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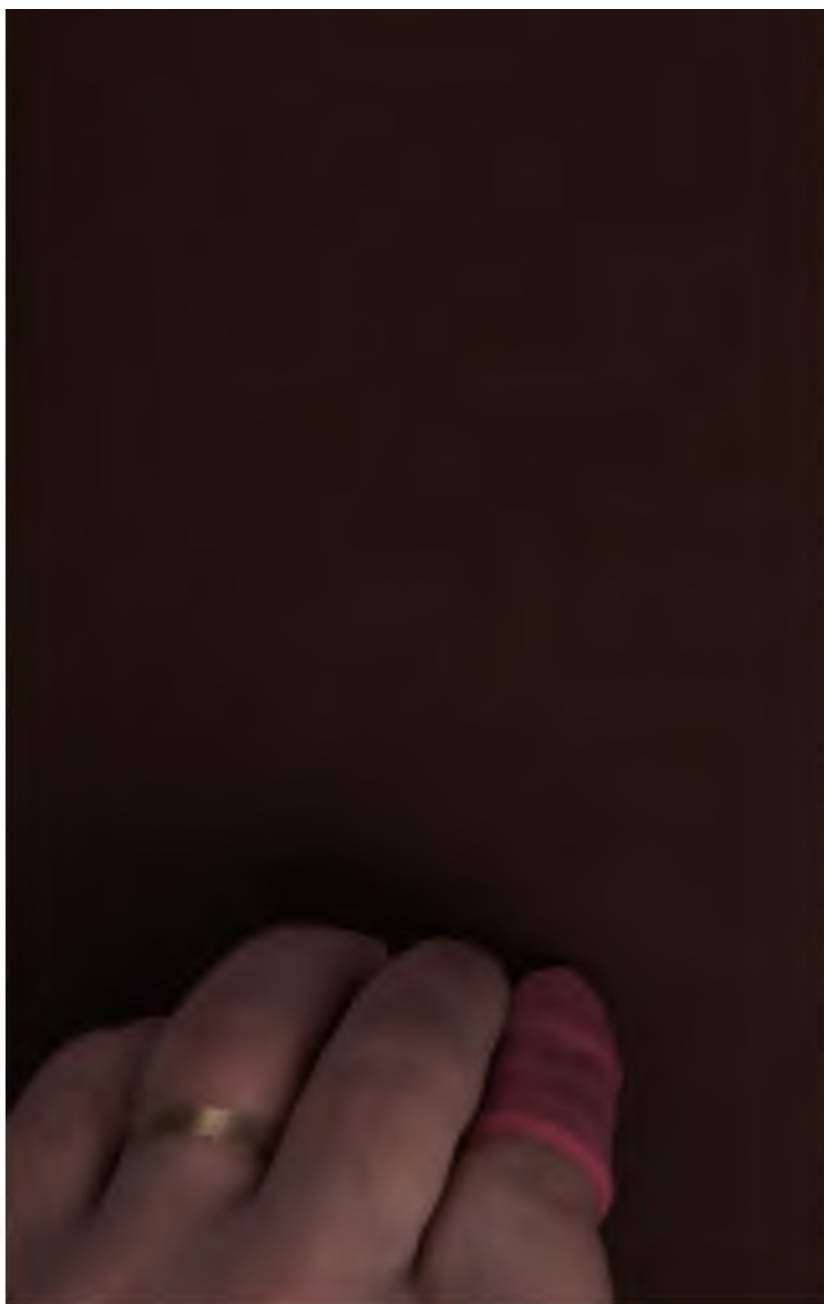
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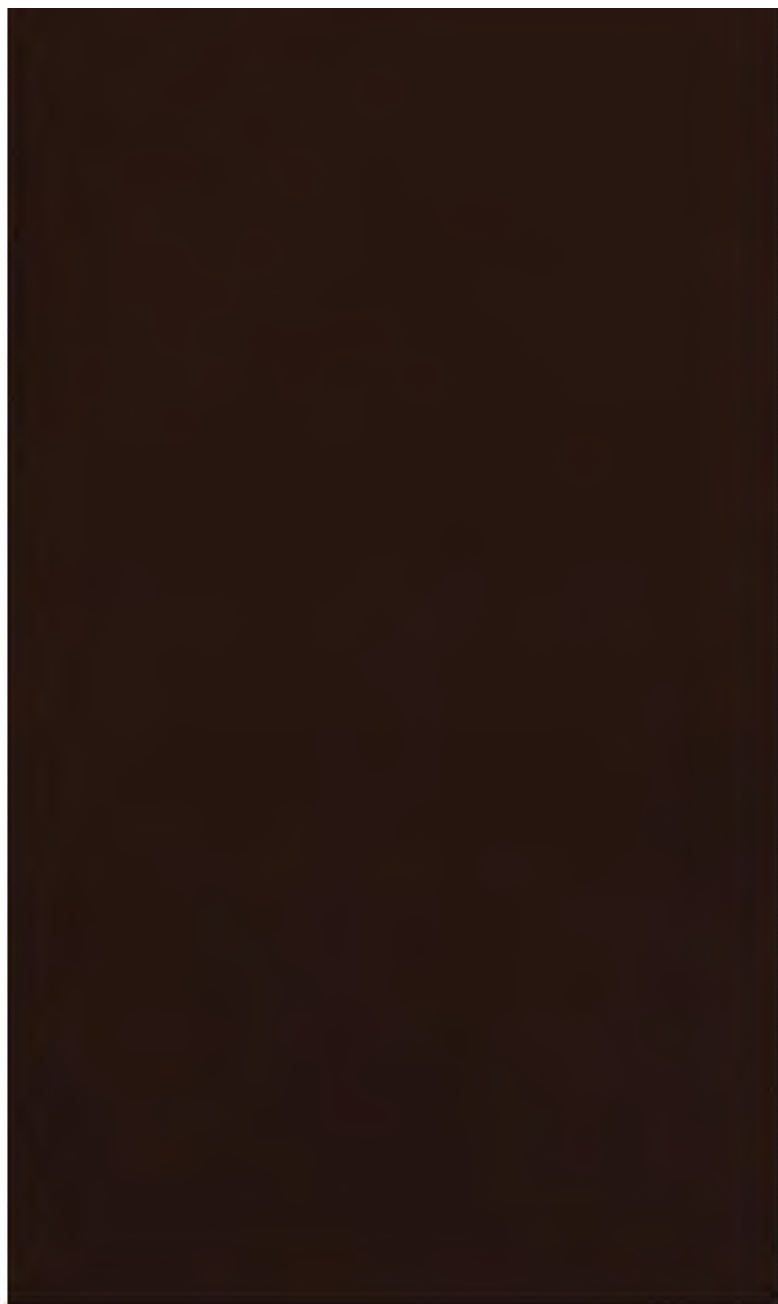
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ETHICS

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OR

SCIENCE OF DUTY

BY

JOHN BASCOM

AUTHOR OF PRINCIPLES OF PSYCHOLOGY, GROWTH AND GRADES OF INTELLIGENCE
A PHILOSOPHY OF RELIGION, ETC.

NEW YORK
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PREFACE.

MORAL Science is vigorously reproached for its failures. It is thought to have little or no claim to be called a science, and to need at once new foundations and new methods. Without denying entirely the force of these criticisms, we must yet regard them as springing from a very inadequate view of the topic. Science is thought of as a kind of exact, almost mathematical, knowledge; and every field of inquiry which does not and can not yield such results is dismissed to limbo. This sentiment narrows knowledge stupidly, and wastes life foolishly. We can not express the terms of our being, nor the career of any human soul, the simplest, in a formula; and ^{the force of} that we can not involves all the superiority of the moral world.

Morality is intrinsically incapable of receiving the narrow lines that are sought for it, and to know this is to know the most noteworthy thing to be known in this field; is to know the multiplicity, complexity and freedom of the powers with which we have to deal. If this knowledge is not science, it is something better than science in the degree in which it is nearer to our daily life. Knowledge is

made no more desirable by calling it science, and no less worthy of desire by withholding this appellation.

When we deal with the highest spiritual powers, as expressed in the nature of man and in society, we have an accumulation of variable conditions under laws of liberty that put exhaustive precepts and exact predictions out of the question. We must sink to the level of the simplest physical forces, in the most naked outline of their action, before we can reach the power of prescience, so mistakenly coveted by many. The precision of the conclusion expresses the narrowness of the premises, and the barrenness of the knowledge.

Our precepts in morals must indicate merely attitudes of spirit; Put your soul in my soul's stead: our principles must contain a habit of heart; Thou shalt love thy neighbor as thyself. The details of action are ever to be wrought out under the clear eye of personal insight, and under the agency of conscience; both present for this very end. No lawgiver, be he civilian or scientist, can forecast the problems of life, and bind these great powers of reason; can usurp the duties of the individual, or can set the human soul on wheels and in grooves, to speed along an appointed circuit.

The curve of conduct is an ellipse, constructed from variable foci with variable radii. Nothing is defined till these are defined, and these are defined in each case for one curve only. Given in moral conduct the conditions of action and the powers of action and the describing point is placed; but the same circumstances will not return again,

nor the same faculties. We may discuss conduct in the ends and impulses which should control it; but the special facts, in their modified and modifying features, which are to arise under these general principles must always escape us. The actual curve of conduct can be no more typical than are the circumstances which have shaped it.

Yet a light is none the less a light because it needs often to be trimmed and fed. We are to discuss morals, but we are to discuss them as morals, and search for knowledge in the measure and the manner that the facts admit of. Our knowledge will not lose in value because it touches such a variety of circumstances, and touches us in turn so constantly and at so many points. Nor will it have less dignity because it lacks the limitations of simple physical forces. We seek insight, and insight is too variable, comprehensive and grand an act to expire finally in a formula. If we insist, then, on judging Moral Science by tests taken from other departments of knowledge, we may easily disparage the results hitherto reached; but if, with a wiser application of the inductive method, we allow this field of inquiry to remain under its own peculiar limitations, and judge it in recognition of its own nature, we shall be satisfied, first, that conclusions of great value have already been reached; and, secondly, that real progress is being made, if not all the progress one would desire.



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INTRODUCTION.

§ 1. THE natural inquiries with which we open any field of research are ; first, What are the limits of that field ? second, What, if any, are its leading interior divisions ? and, third, What is the degree of knowledge possible within it ? Is it a subject for strictly scientific investigation ? We wish at once to answer these questions in reference to Ethics or the Science of Duty.

Duty is the law of conduct, and conduct is the action of a rational being as rational. But conduct is ethically interesting, not as a mere fact, but as one which springs from character and expresses character, and may pass over again in its results to character, still further modifying it. Conduct is interesting as a visible transition term between spiritual causes and spiritual effects, between character and character, person and person. Character, by which we mean the moral disposition of a person, arises under a moral nature. It is the changeable, composite product of native tendencies as related to the ethical law in the soul whose they are. Character thus expresses the first term, native endowments and developing circumstances, as modified by the second term, a moral life. Conduct is the proper subject of inquiry in Ethics, but conduct derives its interest solely from its relations to

character backward and forward, backward to the sensibilities from which it springs, forward to the sensibilities which it affects.

The whole nature of man becomes moral, all his sensibilities directly or indirectly take on a moral relation, by virtue of the supreme force of the moral intuition which sets itself up as a law over the entire realm of rational action, over all action which is either guided by reason, or demands the restraints of reason. There is no portion of conscious human action which may not, at one time or another, stand in one or other of these two dependencies, and may not, therefore, be taken into the field of morals. Conduct, rational, voluntary action, is this field.

Ethics, therefore, concerns all that is most interesting to the human race. It concerns character, the highest spiritual structure, the supreme source of strength, the pre-eminent seat of beauty, that alone which calls out veneration. It concerns society, social customs and social law, the composite structure from which the individual derives his life, and which is the core of all the growth and all the life of the human race. It concerns religion, by which conduct is shaped under the presence and control of great invisible facts, the being and character of God and immortality. There is, therefore, nothing in virtue, philanthropy or piety, nor anything in the interior life of the spirit or its exterior action or its broadest hopes, which does not concern Ethics. The moment one's experience deepens into thoughtfulness, spreads out into social activity, or becomes the mirror of the spiritual elements that lie about and above

it, it is ethical. There is no authority, there is no obedience or disobedience, no censure or approval, no righteousness or guilt, no buffetings of passions against the stern lines of duty, like waves amid rocks, no Nemesis and no victory, no defilement and no purity, without morals as the supreme element in human action. This is the light that separates day from night, and makes the day prodigal in power and inexhaustible in pleasure.

§ 2. The second question is, What are the leading divisions of this field of conduct taken up as an ethical discussion? We need to know; first, the new elements which transform action into conduct, the antecedents of duty; second, that in our own constitution which is the pivotal fact of morals; third, the primary principles involved in the practical questions of life; and fourth, the order of development in ethical facts. We have in these four divisions the antecedent conditions of duty, the source of duty, the directions of duty, the growth of duties.

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etc*

§ 3. There remains then only the third question. How far is this discussion a scientific one? What is our possible knowledge of these facts? The opening inquiry into the antecedent faculties which prepare the way for this moral nature, and into the sources of this law of duty in our constitution, is primarily a psychological one.

Its methods are those of analysis, deduction and the interpretation of experience. It has all the difficulties and uncertainties in liberal allowance which belong to this class of questions. Its conclusions have the same right to be regarded as scientific as those of the parent branch—psychology.

These processes of analysis, deduction and experience are scientific, and their conclusions reliable according to the skill and carefulness with which they are separately performed, and made conjointly to sustain each other. The conclusions, however, reached by them are still very divergent in different forms of philosophy. This divergence is found in the source of the law of duty, and in the nature of its authority, rather than in the fact of the law, or in its special injunctions. It is worthy of note, that very different methods of analysis, accompanied by very different expository theories, reach practical conclusions much the same. These theoretical discrepancies have, we believe, an important practical value, yet one certainly less than that which we should be disposed antecedently to assign them ; first, because a bad theory always makes many reservations, and brings forward antithetic considerations which help to save it from its worst results ; secondly, because men are slow at best to follow completely out the logic of their opinions ; and, thirdly, because conventional and individual sentiments, not the immediate product of any one theory, are the efficient forces in life. If Christianity is rejected by any person, it does not follow that he loses at once the sentiments which Christianity has expended many hundred years in incorporating into society. We may, therefore, discuss with the more freedom the psychological grounds of duty, knowing that duty itself makes another declaration of itself in the social convictions of men, and discloses another and more organic force in their daily lives. Yet this consideration gives retardation to error, and suspension to the results

of opinion, rather than actually obliterates them. They are sure, if persistent, slowly to work their way into those more instinctive, organic sentiments that control men and society, and, once in possession of this ground, are driven from it with corresponding difficulty. The French have failed of firm government, not so much because they have failed of wise theories, as because they have lacked any uniform, sufficient popular sentiment on which to graft them. The stock has been weak, and each scion in turn has fallen off.

The discussion under the third inquiry, the practical principles which Ethics offers for the guidance of life, is one of suppositions and deductions. The suppositions are made applicable to the wants of men by the light of experience. The practical value of Ethics arises at this point, and here all moralists more nearly agree than in any other portions of the field. A statement of primary principles in morals, and the reference in practice of specific actions to them, are allied to the processes of mixed mathematics. The mathematical relations applicable to mechanics are absolute, and admit of a clear hypothetical statement; but these same truths in any given case do not reach the precise results that belong to them because of the presence of secondary elements, like friction and the varying quality of materials, which do not admit of perfect measurement. The hypothetical conditions which support a principle in morals are general, and such as are obviously contained in our experience. These principles assume in the clear light of reason great certainty. That maintenance of health and search after truth, that honesty and good-will, are principles

of ethical action, admits of no doubt, yet the rules which in given circumstances may arise from these principles, and the limitations they may suffer in practice from other principles, are often doubtful.

The conditions of each problem are innumerable, are changeable, indefinite, and not well understood, and our conclusions are therefore variable. If we attempt to put upon a rule of morals a precise description of circumstances, we meet with two difficulties. Such a description cannot exactly correspond with any given case, and the rule when made is correspondingly narrowed by it. Thou shalt not steal is a tabulated law of duty, but theft is scarcely capable of universal definition, as it passes by a sliding scale into doubtful actions, and through these into actions wholly innocent. The rule, therefore, in becoming more narrow than the principle, becomes correspondingly limited in application. We are embarrassed in referring a given action, complex in its relations and but partially understood in its details, to an appropriate rule, and in determining what modifications the rule should receive in this specific service. We start, therefore, in practical Ethics in the clear light of principles, and pass out from this centre into their plain and their obscure use in individual and social life. Principles, rules and specific actions, are the gradations of generality in morals and also indicate the gradations of light. We lose certainty as the conditions of the problem become complex. This fact, however, does not destroy the value of the principle, it only makes its guidance less absolute. The same difficulties and obscurity overtake us even when

we deal with things. The principle does not expound any given class of actions, but the impulses rather which should belong to all actions. Hence, it presupposes merely the well-known characteristics of men and society, and in a purely theoretical way, renders their moral force. The rule is more definite and practical in its considerations, and takes up a given class of actions, difficult of definition and variable within themselves. The rule becomes certain only as we give it generic force and omit specific differences. Thus in the precept, Thou shalt not steal, theft must be made a general act, and a variety of modifying circumstances which may be present left out of consideration. It might be defined the secret appropriation of the property of another against his supposed wish. But what appropriation is secret; and what, under circumstances of extreme pressure, may be rightly inferred as to the wish of the owner; or even whether that wish is always binding, would remain points to be settled in each particular case. Specific acts immediately take on all the complex conditions of life, and may lie close in under the clear light of the principle, or far out with the dimmest ray of a rule resting on them. Practical Ethics must deal primarily with principles, secondarily, with rules—introduced mainly for the illustration and extension of principles—and exceptionally with actions as farther examples under principles and rules.

Conduct could not give play to the freedom of the individual, and also be open to the light of reason, otherwise than under these conditions of combined ease and difficulty,

light and obscurity. If duty were reduced to a mathematical law, it would go far to strangle liberty and to destroy itself. Liberty finds play in the joint development and application of the law. It is the increasing inwardness of the authority as the process proceeds which constitutes the growth of freedom.

The last inquiry, the growth of duties, is primarily historic and deductive. It contemplates the actual development of human society, and of the individual with it and in it. Its methods and certainty are those which attach to historical questions, when properly narrowed down and guided by clear principles. It is exceedingly interesting in its bearings, and helps to place Ethics before the mind as that central, social science which it really is. When we have learned to trace the moral development of society, we can far more easily trace its religious, its social, its economic, its eleemosynary and its civil development. Morality in reference to all these lies at the centre, and its immediate stage of progress will define their progress.

In these discussions, sufficient certainty, as we approach action, will remain to our conclusions to make them of the utmost practical value, and sufficient difficulty and obscurity will follow us, as we come near the ultimate grounds of moral truths, to make us feel the necessity of thorough, conscientious and stimulative inquiry.

BOOK I.

AS our moral nature comes in for the government of our entire nature, it stands on terms of dependence and close connection with all our faculties, and cannot be understood in separation from them. A rule and a ruler are to be expounded both by their subjects and by their own character. The complete powers, therefore, of man are the conditions under which his moral power arises, and call for a concise antecedent statement in their relations to this government before we discuss the government itself. But the growth of every man is conditioned on the growth of society, and duties take effect with him chiefly as a social being. Hence his social state is also an antecedent condition of his moral nature.

There are, besides these direct conditions, secondary ones of great moment; to wit, the control possible to him over the physical world, and his union to it through the body. We shall first consider these conditions of the moral nature before we consider that nature itself. They are three; physical, intellectual and social, growing the one out of the other, and approaching at each step more closely to the moral constitution itself.

CHAPTER I.

The Remote or Physical Conditions of Duty.

§ 1. DUTY turns upon power, on the ability to foresee and control results. Without prevision and extended opportunity to modify effects, there cannot be room given to voluntary activity, and to the moral law which guides it. The physical world is constructed throughout on the idea of a fixed connection of causes and effects. By an intelligence, therefore, sufficiently vigorous and cultivated, results can be anticipated to a great extent. The conditions of prescience are complete in the physical world, and this first term of moral activity abundantly given. The second term, the power to modify effects through their causes, is also present in a high, and in an increasingly high, degree.

We are brought in contact with the physical world, intelligible throughout and extensively open to control, by means of our bodies, themselves a portion of it. The world finds entrance to the mind through the body, and the mind in turn gains admission among physical forces by the body. The body compacts and summarizes all the most remarkable physical forces, and puts them, in an inscrutable way, under the control of the spirit. With this, its living instrument, the spirit proceeds to work a variety of palpable changes in matter, and to interject subtle terms in fixed physical sequences.

§ 2. The body has been brought up to its present ser-

viceableness through so protracted a development, and the power of the mind is now so measured by it, and is, hereafter, to be so much extended by means of it, that a brief survey of this middle term between the spiritual and physical worlds becomes very desirable, if we are to understand their interplay, and the laws of the one in their relation to the laws of the other.

The underlying forces of the human body are purely physical, of the same nature with those elsewhere active in the physical world. Upon these, the plastic power of life is operative in its highest manifestation. This power has as many forms as there are kinds of living things. In the higher varieties of animals, this plastic power which controls the structure, which receives and transmits tendencies, has been built up into a wonderfully complex and mysterious potency by the entire development of life from its first appearance on the globe. This is plainly true, if we accept the theory of evolution with definite or indefinite increments. It is also true, though less manifestly so, if we believe in a series of distinct creations. Each successive life would still be dependent on all previous lives and in continuation of them.

The first term in this plastic power is an organic one. This has every grade of complexity, from that shown in the globule of protoplasm to that manifested in the human body. In it, functions and organs are developed coëtaneously, are united into a life increasingly complex and single, are left susceptible to a thousand modifying circumstances, and are transmitted with a full entail of established

tendencies. All that we need to mark in this organic life, as it is found in man and elsewhere, are its infinitely complex character, its purely automatic action, its complete unity, its transmissibility, and its secondary modifications by passing conditions. Organic life represents the harmonious action in the organism by which it maintains itself under its general and specific forms.

A second term is immediately added, by which the living thing is fitted to its environment, not by passive action under it, but by its own activity toward it. This term is instinctive life. It is an expansion of the organic life. Stimuli, as automatic as those of the interior, organic life, reaching the organism through special and general senses, act directly on it to secure appropriate muscular exertion. Thus an apparent, but only apparent, conscious and voluntary movement is engrafted immediately on the organic life, and this we term instinct. It arises in extension of the organic life, giving it the correlative, external conditions of its internal development.

A third term for which this plastic power, in possession of a life large within itself, and correspondingly large in its instinctive mastery of outside relations, is now ready, is associative life—a new life of consciousness superinduced on the organic life. A conscious life can not, in the present system of things, sustain itself, but must be sustained by a prior and complete life below it. Nor can conscious life do anything, or add anything, save through the mediation of this automatic mechanism which sustains it. An independent organic and instinctive life being reached,

this can be enlarged and modified in development by a conscious, associative life. By an associative life, we mean the union by memory in consciousness of terms of perception and sensation in an experience. This experience may add itself as a form of knowledge to organic and instinctive action, and so lift the life of the animal quite beyond its previous range.

A life that has once spread over a large field of conscious exertion is thereby made ready for another new element, that of reason. The characteristic of this increment is, that phenomena, no longer held by memory empirically as unanalyzed facts of the senses, are brought into the light of ideas under which they yield to the mind in its conscious activity the sub-phenomenal relations which unite them. Impelled by these ideas, the mind immediately enters on the processes of abstraction, generalization, conception and classification, and so, in thought, takes to pieces and reconstructs the world of facts for the purposes of pure knowledge.

The presence of this higher action is made possible only by all that has gone before it, and it immediately, in the exercise of its higher functions, appropriates and modifies the inferior terms of life. The organic and the rational life remain the foci of the ellipse, while the intervening action by which they have been united is greatly modified. The instinctive life disappears in man almost wholly. It was voluntary and conscious in appearance, and organic in fact. Its activities are now actually taken under the conscious life, while its interior connections remain those of

the lower life. The conscious life comes in between the stimuli of the senses and the muscular action that follows from them, and so modifies this second member at will.

The associative life in man attaches itself to the rational life, and is built up under its supervision. Instinct is displaced by automatic action as instituted and controlled by will, while association becomes that abridged activity under reason which is due to repetition. Both, therefore, are methods by which the voluntary and reflective powers relieve themselves of their burdens, and pass on to new work. The point of consciousness is able to advance into new fields, first, because the details of voluntary action are constantly passed over to the organic life, and second, because the mass of judgments as associative interpose no delay. The premises and the conclusion cease to be separated by the mind. Our muscular movements in walking, skating, ball-playing, writing, reading, and in all forms of skill, are illustrations of complicated, voluntary connections which have become automatic, and which include, while they greatly transcend, the field occupied by instinct in the lower animals. The estimates of size, distance, position, form, which we bring to perception in vision; the instant interpretation of the phenomena of all our senses under previous experience, as the signs of the forest by the hunter, of the sea by the sailor; the immediate rendering into feeling and thought of the actions of men, and still more of the words of men spoken and written, are examples of associative judgments which follow on, in the march of thought, like supply-wagons, freighted with the great bulk of human

knowledge. These judgments, with infinite enlargement, cover the ground occupied by the conscious experience of the brute.

These intermediate terms affiliate in man on the one side or the other with the organic or the rational life, and become the forms of their action and interaction. These facts are secondary conditions to duty, because they at once bestow the powers which are to come under the rule of the moral nature, set their limits, and define their methods of growth.

§ 3. Another consideration of utmost moment in estimating our moral activity in its relations to the physical world, is that of inheritance. The power of to-day is not that of a century since, nor will it be that of a century to come. Nor are these forces, in their transition from one stage to another, inapproachable by man. On the other hand, the stream of descent is flexible at every point, as flexible as it can be and retain its general direction.

Physical descent is made up of three laws. The primary and central one is, that all organic powers tend to pass from parent to offspring. There is a momentum in the waters of life by which they flow steadily along the slopes prepared for them. A second law, which directly modifies the first, and without which it would lose much of its beneficence is, that organs and functions are subject to changes, which changes may be transmitted. A third law, of less significance yet one of moment, is, that living forms easily revert to a long antecedent state. As the new conditions, impressed upon living things, which are shaken off by this

atavism, have reference to secondary adaptations to new circumstances, and in many cases to the wants of man, this reversion is virtually a retrogression under feeble, progressive forces.

The first and the second law are those which especially give man control of the physical terms of life. Not only is the body perfected by a very protracted development, building up this avenue to, and this cunning instrument of, the mind, the body itself has two circles of cultivation, that within the individual life, and that within the life of the race. Training is the condition of the one, and inheritance of the other. The two play into each other. Inheritance gives two terms of progress. Organic growth may be directly strengthened by temperance and activity, and so transmitted in an improved condition. This is the more immediate and constant way in which the human will may reach and improve the conditions of the voluntary life.

But new powers and new beauties may arise in the transfer of inheritance under inscrutable causes, and yet may be taken up by heredity, and consolidated among more primitive endowments. These laws of physical development, approachable both directly and indirectly by the will of man, enable him by protracted and patient wisdom to constantly increase the proportion of power in favor of the spiritual world, and to perpetually reconstruct in his own behalf the conditions of development. Thus while the moral nature meets at any one moment very fixed and very stubborn terms of activity, it can by skill alter them to almost any degree. A glacier may offer the resistance of

rock to violence, but it is none the less, through its whole length, subject to forces that are momentarily reshaping it. It flows as certainly as water, and will respond to its conditions as exactly.

Inheritance is in the physical world what influence is in the moral world, and the two are the conditions of man's power, as, master of time, in thought and hope, he spreads his plans over immense periods, and unrolls the scroll of life.

CHAPTER II.

The Immediate or Intellectual Conditions of Duty.

§ 1. THE physical conditions already spoken of are not the terms of activity nearest to the spirit itself, but those through which its energy must finally flow out into the world, and by which that energy must be measured.

The powers of the mind are the immediate conditions of moral life. The phenomena of consciousness are the first field reached by the law of duty. These powers are those of thought, feeling and volition. This is not a progressive series of which the first term is thought, but one rather of expansion on either hand, of which the root-force is the feelings. This is seen both in the order of development of human powers, and in the impulse which pervades them. The feelings are the first facts in consciousness. The special senses all start in general sensation, and sensation passes by them into perception

through the growth of the intellectual element. The organs of sight and hearing, as first found in the animal kingdom, are fitted to give only the most vague sensations, and are probably unattended even by sensation in their earlier stages.

The feelings are the earliest terms of conscious experience in the infant; these first indicate external facts and provoke inquiry concerning them. If knowing is not a kind of feeling, feeling is in itself a *quasi* knowing, and the constant language to the mind of those stable facts whose relations are to be made the subjects of thought. The feelings first evoke, and continue ever after to evoke, the thoughts and determine their direction.

Volition is secondary both to feeling and thought. It is the springing up of the personality in its most direct energy to control its own life under the guidance offered by the intellect, and the impulses offered by the feelings. Thus, the prior condition and the ever present condition of voluntary action is that of the feelings.

If we take a mechanical view of the mind, and construct a serial rather than a central dependence of its powers, we should place the feelings first as terms primarily given by the play of matter upon mind; the thoughts second, as called out in consciousness by the relation of the feelings to each other; and volition third, as incident to various feelings harmonized by judgment and carried forward by choice into one line of action. If we take a spiritual view of the mind, as holding within itself the secret of order and direction, and putting forth from itself in the accomplish-

ment of a spiritual life, each separate form of activity, we shall none the less see that its primary, constitutional states are emotional, and that the secondary ones are reflective and voluntary. While these are in one view instrumental under those, the currents merely in which the waters flow, they are, in another and deeper view, the energy with which a rational spirit at once begins to act on, and to control itself. Out of the heart are the issues of life, yet these fountains themselves can be reached and changed by the rational powers.

§ 2. The first most immediate condition, then, of duty, is feeling. Without feeling, we should have no phenomena to be controlled by the law, and no power with which to apply the law. Feelings express all the impulses of spiritual life. They are in the intellectual world what forces are in the physical world. It is because of the great variety and conflicting character of the feelings present to the human mind, that a law of duty becomes necessary, and obedience to it the secret of order. We need to see clearly the several kinds of feelings as a first condition of understanding the rule of duty that is set up over them.

There are three classes of feelings; the physical, the intellectual, and the spiritual.

All feelings have a cause or occasion,—something from which they spring, or toward which they are directed. The feelings are the most native qualities of the soul, and, like all other qualities, are expressed in the relation of one form of being to another. Such an activity induces such

another, and this is what we know as qualities in matter, and as feelings in mind. They are the most permanent, passive and active expression of the soul under powers that bear upon it. A feeling without a ground or an occasion, would be equivalent to a quality, as hardness in iron, not expressed in reference to the quality of anything else, as hardness in wood.

The physical feelings have their ground in a physical state; the intellectual feelings find their occasion in an intellectual state; the spiritual feelings in a spiritual state. Thus a tooth-ache is a physical feeling, mortification an intellectual one, and remorse a spiritual one. The spiritual feelings involve as a direct factor one of the three intuitions, truth, beauty and right, and preëminently that of right.

§ 3. The physical feelings are general sensations, of which heat and cold, fatigue and freshness, and the local pains incident to disease and injury are examples; special sensations or sensibilities, localized, like those of taste and smell; appetites, regularly returning cravings; and natural affections. All of these rest back on our physical constitution, and may rule in it as automatic forces long before appearing as factors of sensations in consciousness. When, however, these physical feelings are present in consciousness, and intellectual powers coëxtensive with them have arisen to make use of them, they become the occasion of a second class of feelings, more numerous and important than themselves.

§ 4. The physical feelings preëminently occupy the

present and rule in it. The intellectual feelings contemplate a more extended relation of things in time, and provide for the future. Their starting point is the desires. The rational mind can not see the conditions of good, that is, of enjoyment, and not transfer to them the same feeling or desire which belongs to the pleasure itself. The operation of mere intellect, mere perceptive thought, is to extend and still farther combine and harmonize the pursuits of pleasure. The constitutional impulses remain the motive power, but under the light of the intellect, they inevitably embrace in desire the means involved in their gratification. Thus men, as intellectual beings, desire power, wealth, honor, knowledge, beauty and virtue regarded simply as forms of good. The inclination which the mind has toward all the means of pleasure when discovered, either obscurely or clearly, to be means, is a desire. The generalized objects of desire are those just given, arising, first, from our physical, and secondly, from our spiritual constitution.

The force of these desires will depend chiefly on the fulness of the intellectual development which gives rise to them, its particular phase and its generality. A commercial community, sagacious and large, will impress upon all under its influence an absorbing desire for wealth. The particular desire which shall at any time prevail in a community depends on a variety of circumstances, on external conditions, past history and national character. They rank in order of development in society and in value pretty nearly as we have given them; power, wealth, honor,

knowledge, beauty, virtue. By power, we mean primarily physical power, and that government which expresses itself in physical strength. The desire to rule in this way first appears as a separate impulse in the thoughts of man, and stands nearest his heart. Wealth is a little more remote, a more abstract and more advanced means to the same end, and also to many other and more worthy ends. Honor, as including the real respect and good opinion of our fellow-men, is a more generous impulse, and implies a very pervasive social life. Knowledge makes a farther appeal in the same direction, and also a higher and more independent appeal as a personal possession of great worth. Beauty calls forth desire, both as a thing to be held, and a thing to be enjoyed; while virtue, as a means to good, or itself as an independent good, involves still more extended intellectual and social attainments, and is, as a desire, only one step below virtue itself.

The desires, once well awakened in the human soul, and nourished by vigorous intellectual powers, while rooted in the physical feelings—and much later in the spiritual feelings—draw the thoughts from them, and absorb the mind in themselves. Thus it is quite possible for one to overlook almost all uses of wealth in the acquisition of wealth, even to become that monomaniac, a miser.

Out of the urgent activity of the desires there springs at once a large circle of secondary intellectual feelings of two kinds, those incident to success and those incident to failure. Each class may be divided into four classes. Those which arise from success or from failure (1) as

accruing to ourselves ; (2) as accruing by our own action ; (3) as accruing by the action of others ; (4) as accruing to others. These are all made sufficiently plain by the table.

There are a few other intellectual feelings of a detached character as those attendant on novelty, on wit, on humor.

§ 5. The spiritual feelings, though directly incident to the intuitions, turn also on the prior action of the intellect—since this, as we shall see, is the dependence of the intuitions themselves. They are those which arise from the contemplation of truth, beauty and virtue, each considered both positively and negatively. They also are sufficiently expressed for our present purpose in the sub-joined table.

It will be observed that words which imply rather than designate feelings have sometimes been employed : and that the same word is repeated in different connections. The nomenclature of the feelings like that of colors is insufficient for accuracy.

As the personal power is an indivisible unit, its activities do not lie apart in divided fields, but interpenetrate each other everywhere in the same field. While, therefore, the intellectual feelings have their first roots in the physical feelings, and may have a very extensive activity resting upon them alone, they begin to be modified at once by the spiritual intuitions, and may ultimately draw the larger share of their nourishment from them. Thus the pursuit of knowledge gains dignity as the pursuit of truth ; the acquisition of wealth as the enlargement of beauty, and the attainment of honor as the growth of character. The notion of virtue

Physical Feelings.	{ General Sensations. Special Sensations. Appetites. Natural Affections.			Wealth, Power, Honor, Knowledge.	
		Primary,	{ Desires Wonder, Wit, Humor,	for	Truth. Beauty. Virtue.
Intellectual Feelings.		Secondary,	Incident to Success,	Success as <i>being achieved,</i>	{ Hope. Joy. Satisfaction.
			Incident to Failure,	As achieved <i>by ourselves,</i>	{ Pride. Vanity.
				By the aid <i>of others,</i>	{ Courage. Gratitude.
				By <i>others,</i>	{ Good-will. Attachment. Admiration.
				Failure as <i>occurring,</i>	{ Honor. Emulation.
				Through <i>ourselves,</i>	{ Fear. Disappointment. Discouragement.
				Through <i>others,</i>	{ Humility. Shame.
				Through <i>others,</i>	{ Mortification. Anger.
				To <i>others,</i>	{ Rage. Hatred.
				Obedience,	{ Malice. Jealousy.
				Disobedience,	{ Envy. Defiance.
				Obedience,	{ Contempt. Pity.
				Disobedience,	{ Compassion. Self-approval.
				Obedience,	{ Peace. Courage.
				Disobedience.	{ Humility. Repentance.
				Obedience,	{ Guilt. Unrest.
				Disobedience.	{ Remorse. Despair.
				Obedience,	{ Respect. Praise.
				Disobedience.	{ Love. Faith.
					{ Reverence. Disrespect.
					{ Censure. Aversion.
					{ Justice.
					{ Patience. Forgiveness.
					{ Benevolence.

filters down through our intellectual activities, modifying them at every stage. Praise and censure, pride and shame, good-will and resentment, become quite other than mere passions or purely intellectual emotions. Hence, an intellectual feeling is as rarely untinged by a spiritual one as light is uncolored among clouds. This is a truth we need profoundly to understand, and to carry with us from the outset. We state it, therefore, at once, though we are not yet prepared to see its full force. In our analysis, we must clearly distinguish the expansion of physical feelings under simple intellectual light into the desires, and thence into the feelings incident to the activities which these desires call forth, from the farther modifications which these same intellectual feelings undergo when they arise no longer from simple physical impulses, but from the interaction of these with the higher intuitions. When character is being constructed of its two terms, physical and spiritual, the clear outside facts and the inner laws of those facts, then the intellect, plying between the two, and weaving them together in experience, gives occasion for the entrance of much more profound emotions than those incident to simple success or failure. This our starting point must, however, in a much fuller way be our conclusion.

§ 6. The feelings, without any change of character, are greatly modified in force by certain conditions in their putting forth. So true is this of the spiritual feelings that their primitive character has again and again been overlooked, and they have been identified with those secondary currents of the emotions induced by surroundings. Thus, Adam

Smith regarded sympathy as the basis of the moral affections, instead of the occasion of their action.

The feelings have among themselves harmonies and conflicts. They extend themselves easily along the lines of agreement, and are quickly retarded along those of disagreement. Thus the malevolent feelings creep rapidly over the soul, like a ripple of wind over the water, and break up all its complacent moods. A strong desire calls out associated desires, as flames are drawn upward along one ascending column. The feelings are always in motion under repulsions and affinities in their own nature. The special impulse operative upon them expends itself in this or that direction, with this or that power according to the relations involved.

Strong feelings are accompanied with a corresponding consumption of energy, and hence are subject to more sudden relapse than milder ones. The fitful and the violent, the peaceful and the permanent, affiliate in mental as in physical states. A large class of feelings are very directly dependent on the intellect, and hence vary in intensity with its activity. Especially is this dependence plain in connection with the imagination. A vivid imagination as certainly as keen senses carries with it lively feelings.

Novelty and familiarity, conditions dependent on our previous knowledge, affect strongly the emotions. It is difficult to judge correctly either the new or the old, and hence difficult to have toward them the feelings that are normal to them. The new as simply new may

interest us unduly, or, as in contrast with that which is customary, may offend us unduly. It is exceedingly rare that we are able to take up familiar methods and social sentiments, endeared to us by habit and enforced by custom, and judge them with candor, and restore to them their intrinsic force. Familiarity, as in fashion, hides absurdities, and puts in their place pleasant impressions, so that customs and opinions cease to be to us what they intrinsically are, and have an acquired character according to the use we have made of them. It is thus no easy task to be in feeling cosmopolitan, to judge national manners and institutions correctly, and to appreciate truly their intrinsic and their conventional character.

It is to be remembered that custom so modifies methods that they may lose, either for good or for evil, much of the power that seems to belong to them. Of the complex impressions which normally inhere in a custom, some are reduced and some are enhanced, while new ones are added, till these conventional signs of character become as changeable as character itself, and, like language, quite shift their meaning from their first import. Thus courtesy in one nation and brusqueness in another never have quite the value they seem to have. There is likely to be less respect in the first, and more genuine regard in the second, than appear on the surface.

Closely connected with this blending, softening power of familiarity, and working with it, is association. Things are not left to their primitive characteristics; they are united at once by each individual into a familiar experience,

and by each community into a social structure. They thus begin to acquire a secondary character, and oftentimes one more influential than that which primarily belongs to them. The ways in which the reverence of youth is expressed, the qualities which draw out its admiration, are so identified with the emotions themselves that few persons can endure successfully the intellectual shock of discovering that these emotions have been wrongly directed, or that this submission has been rendered on slight grounds. Most minds, when once detached from conventional associations, swing over mechanically to the opposite extreme, and painfully form a new set of associations no more just than the first. There are two dangers to be guarded against; an oversight either of the great perverting power of association, or, of its truly constructive power,—for associations, as spiritual forces, may not only be parts, but may be the most essential parts, of things themselves. It is when association hides, without destroying, intrinsic character, or unites conflicting tendencies, that it needs to be closely questioned as an unsafe current in our feelings. Thus the boy's hero, and even the man's hero, may be a tyrant, hateful in all things save cunning and courage; the mere method of worship may slowly displace by substitution worship itself; the beauty of an act may be lost to us in the blind conventional admiration it elicits.

Still another powerful force in creating the current of feelings is sympathy. Sympathy calls out no new feeling. It is merely a condition of the easy transfer of feelings from person to person. It is a receptive, emotional state.

It is opposed to that coldness and repugnance which shut us off from the feelings of others, and so become the ground of injustice. Rarely has there been great and continuous injustice except in races and classes between whom it has had the support of deep-seated prejudices, destroying the conditions of ordinary sympathy. We shall never understand the force of the feelings, without we recognize fully their mobile character between heart and heart. Large bodies of men, large communities and large nations, like great waters, are subject to heavy tides, and owe much of their strength to this sympathetic accumulation of energy. Not only is sympathy present in great movements, it is very pervasive in the minor charities of life. It is the natural force which the benevolent purpose finds at its disposal, and which it carries everywhere with it as the spontaneous expression of social life. We are to bear in mind (1) that the extraneous forces which act on the feelings have their own intrinsic character ; (2) that these, their intellectual bearings, may be more or less obscured by familiarity ; and (3) that they are sure by association to assume new and efficient phases, which are always important, and may be the primary factors, in ultimate results.

These constant transformations of feeling, and their frequent transfer from side to side of a moral question, are cardinal facts in Ethics. Thus, sympathy with suffering leads and misleads alike, and is an effective force in either direction. It may produce charity and it may baffle it also in its aims. It can, therefore, neither be indiscriminately accepted, nor indiscriminately rejected, but must be

carefully watched over and guided. Privations directly narrow our intellectual conditions and our emotional life ; but accepted with courage, they strengthen the will and make the man masterful ; passing over into asceticism, they set up a false standard of excellence, and, while by no means robbed of all value in the direction of discipline and self-denial, they may, as a substitution for enlarged and generous activity, fundamentally subvert virtue. Yet in every transition, a new series of emotional actions and reactions set in, and the forces we have to deal with are of the most mixed and subtle character.

The feelings, in their multiplicity and their scope, are like an ocean wrought on by many winds, thrown into great currents by heat and cold and the earth's revolution, and sent dashing on its shores in heavy tides by the attractions of sun and moon. The feelings have affinities within themselves ; are played upon in a great variety of ways by surrounding circumstances ; and are transfused and often transformed by historic social forces that come down from the past and spread abroad in the present.

To understand the feelings at all well, therefore, we must study them dynamically, as they arise out of and return into associated human life. All is action and reaction, and must be understood as a complex, shifting whole.

§ 7. We can make at this point most advantageously some distinctions of feelings which especially relate to morals. The first of these is between the interested and disinterested feelings. The physical feelings, while they underlie the intellectual feelings, and are thus the root out

of which self-interest springs, are themselves indifferent to this distinction. An appetite or a natural affection is neither interested nor disinterested. It is evoked directly by a physical state, and there is, therefore, no opportunity to put between the feeling and its occasion any consideration of our own interests, or of the interests of others. An appetite as such is not hard-hearted, nor is a natural affection kind-hearted. They are both simple, primary impulses, implanted in our constitution through its physical dependencies, and themselves spring from no contemplation of relations whatever.

The intellectual feelings, on the other hand, arise with trifling exceptions from the relation, distinctly discerned, which actions and things bear to ourselves. They are therefore as a class interested. The desires impart to them their provocation, and the desires are preëminently the interested feelings, those which spring from things connected with our own enjoyment. The intellectual feelings are not, however, necessarily selfish. They may be either self-regarding or selfish. This distinction lies in the feeling as modified by the joint relation of conduct to ourselves and to others. If an action is entered upon in reference to our own interest simply it is self-regarding; if it is entered on in pursuit of our own pleasures, in a spirit opposed to or neglectful of the pleasures of others, it is selfish. Self-regardful feelings become selfish ones when they are not softened and controlled by the social conditions under which they are put forth. A self-regardful feeling is perfectly legitimate; a selfish one has broken over some boundary of

duty between ourselves and others. Selfishness has been engrafted upon self-regard.

The spiritual feelings are disinterested, though they may be the occasion of calling forth interested intellectual feelings. Truth, beauty and right, are contemplated primarily in themselves, without relation to personal pleasure, and hence are disinterested in their emotional character. Seen to assume a connection with happiness, and prompting action by that connection, they, like physical sensibilities, become the ground of intellectual emotions. One may covet virtue even in an ungracious way.

Some have been willing to deny to man any disinterested feelings. The denial has arisen from obscurity of thought. It is sometimes made on the ground that all actions, even virtuous ones, are expected to issue ultimately in pleasure, and that they are performed for this reason. This statement overlooks the fact just given, that spiritual feelings may be made the occasion of intellectual ones, and so the two be mingled. In fact, they are so mingled in most forms of conduct. The appetites of man rise easily as feelings into the intellectual region, and his spiritual impulses sink easily into the same region. In neither case, does this alter the character of the primary emotion. An appetite is not made selfish because it is indulged selfishly, nor is the love of truth destroyed by the fact that in its acquisition it may call forth pride or vanity. We shall see this distinction, if we consider carefully a clearly interested, and a clearly disinterested, action; for instance, the violence of one who in shipwreck seeks only

his own safety, and the generosity of one who seems to forget his own safety in caring for others. This example is the more fit, as the immediateness and greatness of the danger may banish, or nearly banish, from the mind any consideration of either praise or censure. Evidently there are here two remarkably diverse kinds of feelings, and language would be of little use if it did not distinguish them. These cases are of constant occurrence, and of every degree of difference, and it is simply stultification not to recognize them. We all do perceive them as evinced by severe censure on the one side, and liberal praise on the other. It is precisely these facts that we cover by the words selfish and disinterested feelings. In the first case, the primary impulse is self-interest, with only a slight ripple or no ripple at all of benevolence, when the occasion for it is present. In the second case, the primary feeling is kindness, with only a secondary ripple or none of self-interest. The secondary modifications of a feeling by our intellectual constitution do not alter the nature of the original central sentiment. If a separation of this order, patent to our experience every day and hour, wrought into every fibre of language, is to be overlooked, we must surrender, not only morals, but all distinctions of conduct. Some yet more obscurely deny the application of the word, disinterested, because all feelings are our own feelings, whether those of selfishness or those of generosity, and actions follow in gratification of them. Certainly; but this consideration does not touch the fact that these our feelings start from a very different apprehension of our

relation to others; the one from an interested conception of it, the other from a disinterested one.

§ 8. There is another somewhat allied division of feelings, into malevolent and benevolent. The malevolent feelings spring up under the conflicts incident to a selfish pursuit of our own interests, and the benevolent feelings under the social conditions of virtuous action. In their very weakest forms they may arise from a sympathy with the states of those about us, and have but the faintest moral character. In all their strong, decided forms, they are intellectually incident to selfish action and virtuous action respectively. The benevolent affections are the aftergrowth of virtue, the malevolent ones of vice. They constitute, therefore, that condition of good or of evil which is to be desired or feared. The malevolent feelings are the product of the voluntary degeneration of our nature, are not its necessary primary constituents; the benevolent feelings are the result of the voluntary regeneration of our nature, and are the happy form which virtue finally assumes. The malevolent feelings easily mingle with and mar the retributive ones, as justice, under our moral nature, while the benevolent ones as readily lose their tone and character under the blind tendencies of sympathy and good-will. The bad impulse finds scope under the plea of conscience, and the good impulse is baffled and weakened by intellectual indolence.

Both the malevolent and benevolent feelings are incident to the exercise of our moral powers. Without the one, we should be incapable of moral deterioration, without the

other, of moral growth. They are therefore the sanctions of virtue in the soul itself; the one impoverishing and tormenting the spirit, the other enriching and delighting it. Feelings that are not directly malevolent nor benevolent, tend to pass easily into one or other of these classes. Thus fear and disappointment give rise to suspicion, while suspicion quickly begets distrust, injustice and cruelty. Hope and joy, on the other hand, spread abroad like a beautiful morning, and carry delightful activity everywhere; in their lower forms as sympathetic good-will, in their higher forms as enlivened benevolence.

The feelings are the conditions of the moral nature or moral government; first, because they indicate all lines of action, and supply the impulse in following them; secondly, because by their various and conflicting character, they call for the government of the moral nature; and, thirdly, because the perfection of character as a voluntary product is indicated by their variety, fitness, fulness and harmony.

Moral truths above all truths turn in their comprehension on the emotions. The wealth of the heart is the clearness of the intellect. Conduct, character, human experience, contain feelings as their central qualities, and feelings can only be apprehended through the media of feelings. To enter into these truths unemotionally is to miss their larger portion. The same is true of those higher moral convictions which we term spiritual; these convictions are hardly more than our clearly discerned and rationally justified emotions. Faith, an even poise of thought and feeling, conviction saturated with sentiment, is the highest example.

In it, the divisibility of a fragmentary life disappears, and the whole rational soul is gathered up in one act.

§ 9. The next condition of the moral nature is the intellectual constitution. We should enter too far into psychology, if we did any thing more than indicate the relationship. By our rational powers, the circle of motives is greatly enlarged. Considerations remote in space, or distant in time, are brought forward and placed side by side with those already active.

Supersensual impulses are added to sensible ones, and all are held in abeyance, till the mind has surveyed and weighed them all. Direct, automatic action is thus confined to a very limited field, and conduct is systematically constructed under a broad survey of the relations of action to ourselves and to others. There would be no occasion for a voluntary, moral law without this intellectual insight. The law blindly present in the forces themselves, as in the sensibilities of the brute-world, would at once determine the results. The moral law, itself based on insight, is applicable only in connection with an extended and constantly extending knowledge of results. The intellect, by the arrest which it involves of immediate, automatic impulses, by the ever enlarging circle of motives which it furnishes, and by its increasingly accurate estimate of the results of action, is the condition of a moral law.

§ 10. One other faculty is still more closely associated with our moral constitution. As the moral law is the law which arises out of our entire nature, every portion of that nature is more or less directly conditional to it. Yet the

supreme power expressed in actual obedience is that of the will. The moral law must be understood in view of the character of the control, less or more, which the man can exercise over himself, and this control finds its occasion in that law. Without freedom there can be no proper obligation, and without obligation there can be no sufficient field for freedom. The rational law demands the rational choice, and rational choice can only be exercised under the rational law. An alternative as rational can alone carry with it the power of choice to the rational nature. We are using the word rational, not to express intellectual endowments simply, but spiritual ones also, the insight of the human spirit into itself and its own laws of life.

This question of freedom we cannot wholly remand to psychology, where it properly belongs, without endangering our entire discussion. The variety of opinion is too great, and the dependence of morality and liberty too intimate, to allow the dismissal.

Our constitution is a mingled physical and spiritual one. It holds, therefore, the laws of both worlds inextricably interwoven. Our sensations, their conditions being given, are necessary and causal, as much so as purely physical events. When, however, we contemplate pure thought, as that for instance which expounds a proposition in geometry, we must accept quite another principle, that of spontaneity. Spontaneous power is power that holds an independent impulse, and the laws of it, within itself. It is not like physical force in one or another stage of transfer, and referable always to some prior form. Power is a productive agency;

force a produced and transitional one. Thought, pure thought, is productive under its own law, that of logical coherence. Our intellectual and spiritual feelings are not less spontaneous, that is, independent of previous forces, though the laws by which they follow our intellectual states, like the laws by which these states follow each other, are fixed.

This spontaneity of our purely intellectual powers is involved in their very nature. Thought can not retain its value without it; if this be true the opposite assertion is suicidal, and so utterly inadmissible. That which destroys thought can not be a rational product of thought. Consider the mind's activity in a demonstration. Each step is clearly seen, and each succeeding one follows from the previous conception. The thought-process is wholly within the mind, and its validity can only mean to us that the mind itself reaches the conclusion from the premises by the vigor of an immediate insight. Suppose that certain forces, to wit, physical forces, in transition through the brain, are the causes of these convictions. Saying nothing of the utterly unintelligible transmutation of physical into mental phenomena, we simply draw attention to the fact, that the law of thought as thought is thereby destroyed. The real connection is one no longer of insight but of physical forces that follow each other in physical effects. No conclusion, therefore, can be erroneous, since no conclusion can arise without a real and sufficient physical cause, and no conclusion can be correct, since no conclusion differs from any other in this its fundamental reason of a sufficient cause.

Unless thought as thought within its own field of consciousness evokes its conclusions from purely intellectual premises, there can be no truth or error, since truth and error mean only the correctness and incorrectness of this very process as tested within itself by repetition.

The same is true of the intellectual feelings. They imply a previous intellectual conception, and arise from its power in *consciousness*. One is ashamed when he contemplates the disgraceful circumstances under which he has failed. If now the conception and the chagrin are both incident to a series of physical forces, then the two lose their direct dependence, and our emotional life, like our intellectual life, becomes an illusion, a sequence of shadows.

Spontaneity, that is, the independent power of mind, is involved in the very nature of thought, and of our intellectual and spiritual emotions under it. A power can carry its own law with it as easily as a force, the difference between them lies in the conditions under which they are put forth, the one in consciousness, the other in space; and in their anterior dependence.

§ 11. Liberty is this same spontaneity, which belongs to personality, and is expressed in thought, put forth in choice. Our intellectual constitution involves a large accumulation of motives, and, as incident thereto, their temporary arrest. This fact, when they are diverse in kind, calls for a decision between them. These motives, in all their variety, rest ultimately on one or other of two impulses, that of pleasure arising from our sensibilities, or that of duty arising from our intuitive grasp of a moral law.

If our motives were simply those of pleasure, our intellectual activity under them would be merely that of sagacity; and the law of our life, imposed by the possession of varied sensibilities, and the intellectual power to estimate their worth in enjoyment, would be that of prudence. Under these conditions, the delay would arise from the intervention of new mental processes, and these accomplished, the action would again be automatic with no proper choice. It is impossible to choose between enjoyments as enjoyments, both being clearly seen and felt, and the respective value of each being known. There is no more a reason than there is a power under which to take the less in place of the greater.

When, however, a new consideration, that of duty, is introduced, it, as unlike in kind, offers an alternative to all pleasures, and at once gives an opportunity for true choice, and demands it. This sense of duty, while lifting the life of man to a higher plane, brings it back to simplicity, by pushing itself into the foreground, and antagonizing itself directly to mere enjoyments. The possibilities of human pleasure are so various and extend into so many different fields, are so affected by peculiarities of constitution and personal experience, and are made so complicated by man's relation to his fellow-man and by his relation to the future, that no tolerably just or uniform estimate is likely to be made of them. Our constitution is too complicated, too weak in its intellectual, too strong in its emotional, elements, too capable of perversion, to be worked on the basis of pleasures intellectually perceived and wisely pur-

sued. These give occasion to a more explicit moral law, and this law gives occasion to true liberty. For an exposition of the reciprocal dependence of right and choice, we are greatly indebted to Dr. Hickok.

§ 12. The proof of liberty, reaffirmed as often as it is denied, is briefly this. (1) Under certain conditions, the mind inevitably supplies this idea of liberty. If one has received an injury from another, he instantly interprets it by this notion. The rational being can not be found who will not so explain personal wrongs. This proof is precisely that—neither weaker nor stronger than it—which leads us to accept the antagonistic idea of causation. If the notion of liberty is displaced at all, it is displaced by causation. But the foundation of this is admittedly not experience, but a kindred intuitive action of the mind. Those who deny the intuition are compelled to sacrifice the idea, and put sequence in its place. But sequence is in harmony with liberty rather than with necessity. The discussion between the two ideas is not pertinent if we accept sequence simply, but if we grant causation, we must, for precisely the same reason, grant liberty. (2) As already seen, spontaneity must be the law of our intellectual life, or its true nature is lost; but spontaneity is beset with the same difficulties as liberty, and is the root of it. (3) All our moral action loses its character without liberty. There is no axiom in morals more undeniable than this. Responsibility is commensurate with power. Our sense of guilt, of wrong received or of wrong done; our sense of virtue, of actions to be commended in our-

selves or in others, turn on powers freely used. Any view of the moral nature which does not accept this fundamental position is simply an ingenious travesty of the facts, and renders a sound discussion of morals impossible. (4) Language, the store-house of our indigenous convictions, a spontaneous expression of the powers philosophy is to expound, is full of these ideas, freedom, choice, responsibility. So true is this, that it is impossible to use language extendedly and eliminate these notions. Observe, for instance, their presence in the potential mood. The may, can and must; the might, could, would and should, of our language, all imply possibilities turning on human choice. There is no potentiality in the world unless it is found in the human soul; and if there is no potentiality there, language is a subtle and extended illusion. It is quite true that potentiality is carried in speech much beyond its literal limits, but it none the less for that reason requires a root of truth somewhere. (5) The law of combination in motives is quite peculiar. It is not that of physical forces in any of their forms. No force is lost. It modifies or retards a motion which it can not arrest. Motives do not unite in one composite result, which lies as a diagonal between conflicting directions. One motive may wholly prevail, and action even be accelerated by the presence of a conflicting tendency. There is here a spiritual law of composition alien to all known physical laws. (6) The opposite doctrine of necessity rarely ventures on a bald statement. Yet there is no midway ground. Action is free or it is completely interlocked by necessary

forces, which will ultimately be found to be physical forces, since mind is everywhere girt about with matter. A plausible theory of control is sometimes constructed through motives. Men are to be acted on by adequate inducements, as a scale is moved by sufficient weights. This may seem plausible when we assume the liberty of the governing agents, but it is no longer plausible when they, too, are set down as subject to conditions foreign to themselves.

I may seem to make plain the method in which I am to control another by surrounding him with motives as sufficient forces, but I also myself am an agent to be moved in the same way, and there is in me no spring of power wherewith to influence another, save as I also am influenced by second exterior agencies. There is thus no voluntary support for these conditions of action, but all agents are completely enclosed in the pervasive physical facts which inwrap them. No part must be considered by itself, but all is constructed together into an unchangeable whole. There is in the doctrine of necessity, thoroughly and logically held, a dead-lock that does not merely strangle virtue, it leaves every thought and action as true and as just, one as another. (7) If this doctrine of necessity were true, it is so simple and intelligible, it would instantly prevail. The perpetual revolt against it is its sufficient refutation.

CHAPTER III.

The Intermediate or Social Conditions of Duty.

§ 1. THOUGH our own nature is logically prior to the social conditions of its development, and is the immediate ground of the moral law, that law would find scarcely any field of activity without the social life which envelops every one of us. We not only receive our physical life, already tainted or tintured or strengthened by many personal qualities, we not only impart it again with farther modifications, the conditions which render that life enjoyable are prepared for us by others. Our possessions, our knowledge, our virtue, are the accumulated product of many nations and many generations. On the other hand, the fruits of the activity we ourselves may expend, go directly or indirectly back again into the common store. It is a truth we can never lose sight of for a moment in morals, that the conditions of spiritual life are furnished by all for each and by each for all; that man is quite impotent alone, yet united with others, he is powerful with the conjoint vigor of the race. We each breathe into and breathe out of the same atmosphere, and that atmosphere is mobile round the globe. It owes its health to its immense volume, and the complete diffusibility of its elements. Like conditions belong to our spiritual being. Take such a structure as language. How we all revel in it, and let fly our thoughts in it as birds. Yet it only lives between mind and mind, heart and heart. It is the mystic radiance which a thousand stars pour into

the night. Language is the most unconscious, most inevitable offspring of the human soul, but once constructed it is the living sarcode which makes up the tissue of all our intellectual being. A like wonderful reciprocity of influence belongs to human society in its constituents of civilization, knowledge, art, institutions and religion.

§ 2. If we divide duties into those due to ourselves, to others and to God, the significant form and force of them all are assigned by our relations to those about us. Our duties to ourselves are extendedly enforced by our relations to others, and no man can either live or die unto himself. As one member in the social body, his health and strength minister to the health and strength of all.

Our duties to God more and more express themselves in our duties to our fellow-men. Out of the first command immediately follows the second command, Thou shalt love thy neighbor as thyself. Our love to God will find its field of activity in the improvement of human society. Society is then the double condition of the activity of our moral nature. Our knowledge and spiritual life spring immediately from it; they must also return immediately to it in virtuous expenditure. Our graces begin at once to shrivel up in barrenness, or to be deformed by fanatical activity, if we withdraw ourselves from our fellow-men, or fail to accept the duties they lay upon us. We can neither find our own strength nor the strength of God save in the haunts of men. The narrow current of our lives must be like the pure rivulet, one channel in the circulation of the globe.

BOOK II.

WE have now to consider the ultimate foundation of morals. This must be found in our constitution as related to the conditions about us, and is, therefore, a question of psychology. The interior source of duty, the powers of the mind which give rise to it, have received extended discussion with a decided discrepancy of results. Many would regard this question as one of those barren metaphysical inquiries destitute of the conditions of exact knowledge. It is very certain, however, that marked progress has been made; that the two leading theories of morals approach each other much more nearly than formerly, and are bringing new distinctness and new tests to the points of division. Each has modified the other, and while the last steps of coalescence and concession have not been taken, the practical outlook of the two views is now much the same.

We shall first consider those theories which are not theories of duty but subversions of duty. We shall then give a statement of Utilitarianism and its stages of growth, and follow this by a like statement of Intuitionism. We shall thus be ready to point out some relations between the two, and to indicate the bearings of intermediate theories.

CHAPTER I.

Theories of Morals which are not Moral.

§ 1. THE theory which most obviously sets aside duty instead of explaining it, is that of Hedonism. This view regards the pursuit of personal pleasure as the only rational motive of human action. This motive is directly gathered from our sensitive constitution by a purely intellectual process. Pain and pleasure are the daily incentives of action, and the intellect collates and enlarges these into an extended law of life. They undoubtedly furnish such a law, and in its construction may give occasion for much foresight and sagacity.

This law is likely to be one of immediate indulgence for obvious reasons. It is much more difficult to offset present with future pleasures, the pleasures of eager appetites with those of refined sensibilities and intellectual activities, than is at first thought. There is no satisfactory criterion of pleasures save through the sensorium of the person concerned. Lively appetites frequently accompany sluggish intellectual tastes, and it is impossible that the first class of enjoyments should not thereby win an immediate and an increasing advantage over the second. The present, moreover, of which the appetites and passions have full possession, has, even to pure reason, in its certainties an advantage over the future in its contingencies; and to the hasty sensibilities a very much greater advantage. We can not easily entertain conflicting feelings. A strong feel-

ing displaces all other passions, even to the imagination. It is impossible, therefore, for the mind, when it is full of the cravings of appetite or is tossed by passion, to find any sufficient counterpoise for these in the more rational enjoyments of the future. These enjoyments are not then and there appreciable, and the intellectual conceptions from which they spring are shadowy and flickering. All are aware of how utterly the judgment betrays its trust under the temptation of appetite. It can not be otherwise. The instant, urgent pleasure excludes all other pleasures as certainly as a bright light obscures dimmer lights.

As, therefore, pleasure reveals itself with an ever varying record on the different sensibilities of different individuals, and on the sensibilities of the same individual at different moments, there is no uniform law of prudence to which it is likely to submit. Such a law, constructed by the thoughtful even in moments of quiet, will not be uniform. There will still be in it a large element of constitutional tastes to which it is folly to ask others to submit their tastes; more than this, the prudent precept loses its intellectual distinctness at the very moment when it most needs to be applied, that is, when we are coming under an adverse passion. The law of life then derived purely from the pursuit of pleasure must always be one of indulgence: (1) because indulgence itself implies a strong impulse, the source of large enjoyment, at least as related to the times and persons concerned; (2) because there is no proximate standard of the pleasures of sensibility among men—the gross and the refined, the careless and the prudent—which

can be clearly stated and vigorously enforced; (3) because if there were logically such principles, they have no interpretation and no enforcement outside of the sensibilities of the individual concerned; and (4) present sensibilities obscure for the time being all other sensibilities, and in doing this undermine the judgment itself.

§ 2. But Hedonism, if it were a far more safe guide than it is, is not a law of morals. It directly sets duty aside, and substitutes itself for it. Strict Hedonism covers personal pleasures only, and reaches the pleasures of others simply through our own. We order our action in reference to others by considering its effects in happiness upon ourselves. Now, that pleasures and pains furnish incentives of action, and so lines of action, is an obvious truth; but that these lines are often unsafe and ill-advised for rational beings, is a second fact almost as obvious as the first fact. It is because of these multiplied and conflicting tendencies expressed by appetites, desires, passions and spiritual sensibilities that we require a higher law, that of duty, putting each with instant authority in its own place. To make pleasure the proper incentive of all action, is to set aside duty and to deny its occasion. There is nothing to be ruled, but only certain tendencies to be discreetly indulged. Hedonism found early expression in Epicureanism, and Epicureanism is in each nation and generation what the customs and tendencies of the place and time make it. Hedonism may as easily be the law of refined pleasures as of gross indulgences, of cultivated tastes as of coarse appetites, of social affections as of individual desires, and so may it also be the reverse.

Whatever are the existing sensibilities and whatever their relative weight, this law of selection is applicable between them. The law itself has no power to modify present sensibilities, or to improve existing conditions. It tends rather to degradation, as prevailing impulses must suffer feeble arrest and gather increasing strength under it. Epicureanism has shown historically this tendency to decay. The pursuit of pleasure, with the incident principle of prudence, has always been in human society a fundamental incentive, and one so pervasive that it has often displaced and constantly obscured the moral law. It is no more to be confounded with that law than sagacity is to be mistaken for wisdom. Sagacity as it enlarges its field approaches wisdom, and wisdom as it narrows its aims sinks towards sagacity, and yet there remains a fundamental distinction between that action which adapts means to ends without reference to their character, and that action which chooses the noblest ends and pursues them with unwavering integrity. The law of happiness approaches that of duty as human life broadens, and its higher sensibilities multiply, but if the two ever coalesce, it is by the absorption of the lower in the higher. The laws remain distinct throughout, and the words of our Saviour retain their profound significance. "Seek ye first the Kingdom of God, and His righteousness; and all these things shall be added unto you," Math. vi. 33. "Whosoever shall seek to save his life shall lose it; and whosoever shall lose his life shall preserve it," Luke xvii. 33. Hedonism is to be rejected because it is in no sense a law of morals, but another and an alien law put in its place.

§ 3. The golden mean of Aristotle involves a principle which finds plain application under the pursuit of pleasure, and seems to have contemplated this as the basis of morals, but it is also significant, though less directly so, under the higher law of duty. It is a principle of much practical wisdom and scope, but hardly touches the very substance of morals.

Earlier Utilitarianism, like that of Locke, or of Hume, did not clearly draw the distinction that holds between Hedonism and Altruism, but rested obscurely on the former. Man is possessed of social and generous impulses, and these, in their gratification, enter in to guide him in his pleasures. In proportion as emphasis is laid upon them, action assumes the guise of good-will, and seems to meet the conditions of virtue.

So long, however, as the pleasure of the individual is the sole incentive relied on to secure obedience, the doctrine is Hedonistic, and we have no true duties. We may carefully run our theoretical lines of conduct parallel to those of duty, but they will never pass into them, and will often in practice betray a signal departure from them. The obscure way in which Hedonism has grown into Altruism,—or what we would now designate as Utilitarianism, though Hedonism and Altruism in a mingled form have often been covered by this name—tends to disguise the radical difference between them. Yet the one is simply an intellectual solution of the problem of personal pleasures, and has no claim to be regarded as a system of morality, while the other strives to put us under pervasive obligation

to all about us, and so to get the grounds amid individual passions of an antithetic and higher government.

Paley's introduction of the rewards and punishments of a future life to help out the inducements of this life, though attempted with much purity of purpose, lies in the worst direction of Hedonism, and tends to its further debasement rather than to its elevation. The spirit of barter is carried completely through the kingdom of Heaven, and this kingdom has no lifting power beyond that of our present life, save what is due to heavier weights. But the stronger the incentives in pleasures, the more wholly are the balance and wisdom of conduct likely to be lost. The tremendous motives of eternal pleasure or eternal pain either become comparatively visionary, and so leave the mind a little less open than it would otherwise be to ordinary considerations; or, as fitful forces, they make its action irregular and flighty; or, as supreme impulses, they render it fierce and fanatical. It is impossible to make such urgent motives play a sober, healthy part in a calm, earnest, wholesome life.

§ 4. The theory of authority, whether that authority be placed in civil government as by Hobbes, or in the divine will as by Descartes, Warburton, Chalmers, is no theory of morals. It implies at once a further inquiry. How does this law, foreign to us, lay hold of us? If it reaches us by violence, it is a law of physical force; if by rewards and punishments merely, it is one of pleasures; if by a sense of duty, we have set up once more a tribunal within ourselves, a moral nature, and to it we must transfer our in-

quiries. It will be found that a law springing from within the soul itself attaches its obligations not merely to civil and divine law, but to many other forms of action, and to each and all of them, by an inherent principle and power of its own. A law outside the rational spirit can not, as a mere fact, become a law within it. How and why it is an inner law, still remains the pregnant question. Other theories of morals, like that of Adam Smith, evolving duty from the law of sympathy by which we enter appreciatively into human action, or that of Mandeville, striving to build the structure of morals on personal pride or vanity, destroy the distinctive features of Ethics rather than explain them.

CHAPTER II.

Utilitarianism.

§ I. WHEN we admit into a theory of human conduct, whose impelling motive is pleasure, the pleasures of others, we may at first seem to have made no material change in it. But if we allow the new idea the control that belongs to it, we shall shortly find that we have entirely changed our base, and occupy wholly new ground. The self-regarding incentives leave conduct under the guidance of personal sensibilities in their irremediable variety of claims, their ever returning disproportions and their indifference to the wants of others. The altruistic sentiment, allowed full sway, speedily alters all this. (1) The happiness of others is enforced upon us as an obligation, and thus moral conduct

becomes once more a higher law. We are slipped off from the basis of prudent indulgence, and planted upon that of self-denying effort for those about us. We are dealing again with duties, and thus with Ethics, the science of duty. The incentives of this line of effort are recognized as peculiar to it, and as presenting a supreme law.

(2) Our own happiness plays a secondary part, and enters by permission on unoccupied ground only. It is no longer the tap-root of conduct. When we insist on the greatest good of the greatest number, the individual, in his individual pleasures, is constantly out-voted, and may be required to enter upon a life of rigorous self-denial. He is indeed allowed to introduce his own pleasures with the pleasures of others, but they can only be those enjoyments which are in harmony with the general good, and in amount proportional to the numerical value of the individual taken as one among many. The self-regarding incentive thus secures a very meagre foot-hold, and can never be allowed to pass into selfishness. It is held severely down under an exacting law, a law which does not relax for a moment.

(3) Moreover, the good of the many is a motive of action which yields a much more uniform and a much more distinct line of conduct than does personal pleasure. The greater uniformity of the principles which arise from this consideration is evident. All private passion and individual waywardness are eliminated, at least so far as they interfere with the general well-being, and those conditions of action are enjoined which are the most favorable for all, taken both collectively and individually. Here, plainly, is a better op-

portunity for a common understanding, for common effort and common principles. These principles are more distinct in the degree in which they are broader than those which fall to prudence under purely self-regarding pleasures. The latter principles are compelled to take in the facts of each case in their inexhaustible details and differences. Plain principles often lose their clearness when they touch a concrete case. Temperance is a good general prudential law, but what measure of it precisely will result in the highest pleasure to one of eager appetites and sound constitution is not readily settled. It is not possible to say how far lower sensibilities, so styled, can advantageously be sacrificed on the basis of enjoyment to higher sensibilities, when the former are constitutionally strong and the latter sluggish; how far the selfish man can really be made to find his pleasures in benevolence; nor the extent to which the present in its certainties can be sacrificed to the future in its contingencies. Most of these difficulties disappear under the altruistic view. It is comparatively easy to decide what degree of temperance will promote the general well-being; what degree of benevolence will tend to the happiness of all; how far under this end present pleasure is to give way to future good. These questions have in their settlement this fundamental advantage; excessive individual sensibilities are eliminated, and all sensibilities are considered, not, as in the personal problem, a portion of them as inadequate images of the imagination, and another portion as absorbing impressions of the appetites, but under a disinterested, intellectual estimate. Enjoyments are graded by an average experience;

they are all equally remote from present cravings, and so suffer nearly alike from the faintness of an intellectual, as contrasted with the vigor of an emotional, process. How can the victim of passion decide correctly any question? How shall the broad philanthropy which proposes to itself the greatest good of the greatest number miss a profitable conclusion in any question? Moreover, the uniformity involved in the problem must favor a corresponding growth of principles. If there is one goal—and this Utilitarianism offers—we can make slow and certain approaches to it, and every step is distinctly additive.

(4) Utilitarianism does not merely subordinate the self-regarding impulses, it brings back to them clear guidance. It may not be plain how far, in reference to my own pleasures merely, I am bound to be temperate in this or that particular, and yet be quite plain when I consider my relation to others. In the temperance reform, much the more tenable ground of abstinence is that which contemplates our obligation to the community. Paul's declaration is at once sound, clear and vigorous. "If meat make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend," 1 Cor. viii. 13. "For none of us liveth to himself, and no man dieth to himself," Rom. xiv. 7. One might be content to sacrifice a little bodily vigor for bodily pleasure, since, under Hedonism, vigor is for pleasure, not pleasure for vigor; but under Altruism, one is not at liberty, considering his household, his friends and his neighbors, to sacrifice any portion of his strength. Pleasure is now for strength, not strength

for pleasure, since it is by strength that each one's contributions to the world are primarily made. Many otherwise obscure paths in personal enjoyments will be rendered quite plain to us under the light of this higher law, the equal good of all.

Utilitarianism, then, is a moral system, and the system which must ultimately receive all who start in human happiness as a guide to conduct, and strive to carry it forward to an independent, self-sufficing law. Indeed, this system, if it could do all it strives to do, would not only be a moral system, but a sufficient and final one. It rightly claims at our hands by virtue of the distinguished and philanthropic men who have advocated it, by virtue of the great gains in recent times that have accrued to morals from it, and by virtue of its intrinsic merit, careful statement and candid discussion.

§ 2. The fundamental principle of Utilitarianism is that so clearly announced and vigorously enforced by Bentham; the ethical law of action is "the greatest possible happiness of the greatest possible number." In estimating this happiness, each person is to count one. In considering this system, we may make three inquiries; first Whether the principle is an apprehensible one? second, Whether it covers the phenomena known as moral? and third, Whether it can be enforced within itself as a duty? The first two of these questions can be more satisfactorily answered in the affirmative than the third of them. The greatest happiness of the greatest number is an intelligible and practical rule of action. If each man were to inquire into the conditions

of human prosperity and pleasure and pursue them, his conduct would be shaped under a pervasive, intelligible and beneficent law. The chief doubt here would arise as to the entire intelligibility of the law. Why is the greatest happiness of the greatest number, as an end, any more theoretically clear than the pursuit by each person of his own happiness? The hedonistic law is uncertain in each instance, variable in different instances, and often immoral as opposing itself to what we now know as duty. Indeed, duty would hardly have any occasion to be felt as a law were it not for the wayward fashion in which the incentives of personal pleasure arise, and their tyrannous control of the judgment, not merely in overriding it, but in putting upon it all sorts of misleading estimates.

The utilitarian law is an intelligible one; (1) because it pertains largely to the obvious, open facts of life. The external conditions of well-being are easily discerned, admit of but little mistake, and our entire experience interprets to us their significance. Though we may over-estimate the physical appliances of life, this excessive judgment is not likely to be extreme or deleterious when tempered by the philanthropy of kindred enjoyments for all. We easily see what is physically good, and the breadth of our principle prevents its selfish and excessive use. This law is intelligible also; (2) because while restraining lower pleasures by this simple fact of equal diffusion, it takes up higher pleasures as fast as they arise in the experience of any person, and prepares itself for their speedy comprehension by virtue of its own philanthropy. Utilitarianism

maintains the composure and scope of thought which open the way to the perception of subtile, spiritual pleasures. It has also a practical criterion of enjoyments as higher and lower. We can not avoid the gradation of pleasures in language, yet we may be greatly puzzled in maintaining the superior nature of intellectual and social enjoyments, or of esthetic and spiritual ones, as contrasted with physical delights, to one who chooses to deny it. Indeed, the ground can hardly be made good on strictly hedonistic principles, if our own experience does not already confirm it. On utilitarian principles, the distinction is obvious. Plainly, spiritual pleasures can be entered on by all, and are enhanced by this very extension. Physical pleasures and some social ones, owe their intensity to their restriction. Hence, the utilitarian has sufficient reasons for a decided division of enjoyments, and for an earnest pursuit of those known as higher.

This rule is also an intelligible one ; (3) because it is at once applicable. No one is so ignorant that he can not understand what is meant by the pleasures of others, and can not immediately pursue them. No discernment is more clear and habitual than this, unless it be that which brings it into relief by contrast,—concrete, personal indulgences. (4) Farther, this law grows in intelligibility with all human experience. Every year instructs us, and all wise men instruct us, in the conditions of human happiness. The principles which store the knowledge of the race in this direction are constantly taking on improved forms, and putting upon each other safe limitations.

Hence, this law of highest happiness starts instantly to every one out of his most private experience, and yet extends itself readily into and through the experience of the race. (5) Again the law cultivates that disinterested state of mind and that broadly emotional state of heart which are the necessary conditions of moral discernment. The utilitarian is not swallowed up in his own pleasures, or perverted by them; nor is he dead to the pleasures of others. He has, therefore, the condition of delicate and deliberate judgment. This penetration of practical philanthropy belongs in full to Bentham and Mill, the early advocates of this theory. We can not, therefore, reject Utilitarianism as not offering a fairly intelligible and feasible law.

Its great merit rather lies at this very point. It came forward as a protest, and has grown up as a protest, against theoretical morals that overlook or forget the simplest duties of man to man. In this particular of guidance to the duties nearest our hand, we submit ourselves in gratitude to the wise words of the founders and defenders of Utilitarianism. The ethical branch of Empirical Philosophy, if it has had the faults, has had in a large measure the merits, which attach to this theory of knowledge.

§ 3. Does Utilitarianism cover the same field as morals? The hedonistic law plainly did not; the altruistic law as plainly does. Our duties to others may be very fully expressed in the pursuit of their well-being, and we could hardly make an important exception to this statement. Our duties to ourselves receive their clearest light from our relation to others, and where this pregnant principle

of Utilitarianism furnishes no guidance, we may be left without much practical difficulty or theoretical disturbance to the government of the lower impulses of pleasure. Our duties to God are not defined so plainly by Utilitarianism, owing in part to other tenets which have frequently accompanied this philosophy; yet these duties may find a very full expression under the law of benevolence. The outcome of the divine law is that we are to love our neighbor as ourselves, and our love to God is expressed in our effort to fulfill this commandment. Moreover, the first commandment of love toward God is wholly consonant with the greatest good of the greatest number, if we imagine God as a being of supreme beneficence. Thus the theology of Drs. Dwight and Taylor was consistently a theistic Utilitarianism, a theology of benevolence.

The case may be put more strongly than this. There is no one inquiry so safe in morals or in theology, so sure to extend and correct our sense of duty, as this of the immediate, highest well-being of all men. A morality that does not give great prominence to it will be sure to fall into very crooked, perverse and partial ways. The moralities that have accompanied different forms of religious faiths, and have gotten their expansion in partial independence of this principle, have fallen into gross errors and sensual practices. Immoralities have become duties in a wonderful way. Here again, the clear voice of Utilitarianism has called men back to righteousness by a plain path of obedience. While we grant much clear guidance to Utilitarianism, its advocates claim more for it than we

can concede. We are to correct and recorrect our practical judgments by both the intrinsic character of action and its practical results, for the two expound each other. Bentham only discloses his usual confident dogmatism in the assertion; "Vice may be defined to be a miscalculation of chances; a mistake in estimating the value of pleasures and pains. It is false moral arithmetic; and there is the consolation of knowing that by the application of a right standard, there are few moral questions which may not be resolved with an accuracy and certainty not far removed from mathematical demonstration."* Popular opinion is full of error, as he himself points out † in the estimate of honor. Yet these estimates, antagonistic as they often are, not merely to virtue but to common sense, must be very controlling forces at any one time and place, not merely in affecting what will be thought to be, but what will be, the greatest good of the greatest number. Men can not, in pursuit of happiness, do even a wise thing in entire disregard of the false opinions about them. These views are themselves efficient forces, in a large degree controlling human happiness. What men think to be honor carries with it, more or less, the fruits of honor. It can be confronted at once only by an independent sense of virtue.

§ 4. Our third question, the most difficult of all, we can not so easily answer in favor of Utilitarianism. If we could, it would have claims to be accepted as the ultimate theory of morals. That question is, How does the greatest happiness of the greatest number become a duty? If the

* Deontology, Vol. I. Chap. VIII. † Vol. I. Chap. VII.

utilitarian can transform his favorite formula into a conscious law of human life without invoking any new power or principle, he wins a theoretical position as firm as the practical one he already holds. All that we have farther to say in the exposition and history of this doctrine will come readily under a discussion of the various efforts made to meet this difficulty. Their very variety, inconsistency and persistency, show how grave the undertaking has been found to be.

The first of these explanations is one which seemed to satisfy the mind of Mill. In it the social affections are relied on as furnishing a stable and central incentive to altruistic action, while this core of sentiment is consolidated and enlarged by a social opinion enforcing on each the conditions of the common good. There are two difficulties with this theory, when offered as an adequate explanation of the sense of duty. It is a theory which rests upon important facts, influential in the direction indicated, yet very inadequate to the entire work laid upon them. The facts of the real significance of the social feelings and conventional sentiments, and of the modifications they are constantly putting on moral action, make a careful analysis necessary in testing the sufficiency of these causes for the effects attributed to them. In the first place, what nucleus of social feeling have we to work on *antecedent* to a moral development? We can not take the social feelings as they now are, for, on Mr. Mill's view, they have received the expansion due to development, and on the view of the intuitive philosophy, they already contain the affections attributable

to the moral nature. We are entitled, when striving to develop in order the higher from the lower sensibilities, first to the physical feelings, secondly to the intellectual feelings so far as these can be derived from the former under a simple estimate of results in happiness, and from these two classes, we must deduce the much needed sensibilities. The physical feelings, turning on present individual incentives, when simply extended in their bearing by intellectual powers, pass over at once into the desires, and the selfish impulses incident to them. All the intellectual feelings that rest primarily on the desires, and secondarily on the physical sensibilities, tend strongly to selfishness. There is very little marginal or neutral ground, where indifferent sentiments are prevalent. We may admire the success of others, if that success is disconnected from our own success. Yet, even here, the most remote opportunity for comparison may beget envy.

There is but one condition of a purely intellectual nature which is available in striving to transmute egoistic into altruistic sentiments. This condition is sympathy, and of it Spencer makes a very extravagant use. What does this word sympathy properly cover on the narrow basis on which our discussion now rests? It can not mean that emotion tinged with love and good-will which we often express by it, and which it truly is when moral elements are present in it; when it is the condition of a moral as well as of an intellectual development. It can only mean a tendency to share the feelings found in those near us. Even this is reduced by the opposite principle or tendency

of repugnance, which may enhance cruelty as much as sympathy enhances kindness. What is this simple fact of a partial transfer of feeling, known as sympathy, worth as the root of benevolence? Very little. (1) It will scarcely extend beyond immediate contact. The representation of the suffering of others, which Spencer attributes to a vigorous imagination, and by which he would impel the person so affected to protracted efforts for its relief, is rarely operative in actual life, and rarely in the way which he indicates. An imagination, even in an advanced moral development that is influenced by suffering, is apt to make a sort of luxury of it, and to divorce the feelings more and more from action. The most benevolent people are frequently the most unimaginative, and the most imaginative the least truly kind. (2) Sympathy which points to any real sacrifice may be relieved, as a mere emotional state due to external conditions, by a change of these conditions. It may thus become and often does become an occasion of hard-heartedness. Those of delicate sensibilities avoid contact with suffering as with something intrinsically disagreeable. The altruistic sentiment, as a duty, far from growing out of this feeling, must often be present to overcome it. (3) Sympathy has but a trifling power to modify character; it serves on the whole rather to intensify it. If selfishness is prevalent, then selfish feelings are strengthened both by sympathy and by repugnance. We sympathize with selfish states that concur with our own; we are made more selfish by states that are repugnant to our own. Evil may be enhanced by sympathy as easily as good, and sympathy will

show the majority of its influence on the one side or the other according to prevailing tendencies. It can not be relied on to change these tendencies, but must serve rather to establish them. Thus the Indians of America were far more cruel collectively than singly. By sympathy with each other they aroused their passions against the prisoner; left with him alone, they would sometimes compassionate his sufferings and relieve them. (4) The strong repugnances that are due to tyranny and cruelty, as of a master toward his slave, a Nero toward his subjects, or any man toward his enemy or his rival, serve greatly to limit sympathy and to oppose it to the altruistic sentiment when this sentiment undertakes, as it frequently must, to transcend these bounds of prejudice. The action ascribed by Spencer to sympathy is such as belongs to it when the moral sensibilities are already present, not before they have arrived. It can certainly enhance them, it can do nothing to create them. As a blind tendency or tide in our emotional constitution, it subjects us only the more thoroughly to existing conditions, it does not change these conditions.

Like difficulties and greater are found in connection with the second element, that of conventional enforcement, by which a feeble altruistic sentiment is thought to pass over into an imperative duty. (1) This conventional sentiment, by which duties to others are to be enforced, is confessedly selfish. Each one seeks the interests of all under the fundamental principle of Utilitarianism, because all find their own interest included therein. This theory

hopes then to evolve pure benevolence out of pure self-interest, an impossible evolution. The eager appetite of the many for their own advantage can not be turned into the self-denying willingness of one and another to sacrifice his own good to the good of others. This is not transfer, it is transformation. But transfer is all we are entitled to. The selfishness of three persons can not become the generosity of the fourth, simply because they are three to one. That which appears as self-interest in the three, will appear in the fourth under the modifications of self-interest, or appear not at all. (2) This view is confirmed when we see what an undeniably conventional sentiment does do. Duelling is sustained by this sentiment ; so are certain laws of honor among professional gamblers, and on the stock exchange. Do these customs tend in the least to benevolence, or to any other than to a formal virtue by which a few out-breaking passions are held in check? The most intensely selfish feelings may gather heat under them, a heat all the greater because it is closely smothered. Wood may be burned in the open air or charred in a pit, the difference lies only in the rapidity and completeness of the change. So in caste and in fashion we have the most tyrannical conventional sentiment, but no approach in either to virtue, nor any tendency to identify the strong emotions incident to these customs with those that pertain to duty. (3) The case is stronger than this. Conventional sentiment is the very sentiment that the moral feelings have most frequently to confront. Conventional sentiment is often too selfish to discern the general good, and often rests back too

quickly on private passion to pursue it when it is discerned. Hence the law of duty is constantly opposing itself to this *consensus* of the many, ultimately resolving itself into personal pleasure. Bain, who lays great emphasis on conventional enforcement as the source of moral obligation, is compelled to recognize the independence of the individual, and terms this erratic tendency the "idiosyncratic" conscience. This word itself is a confession and an absurdity. It turns out that this idiosyncratic conscience is and always has been the conscience of the world *par excellence*. Conventional law should give rise to conscience, and yet conscience finds its highest, most declared manifestations in resisting and modifying that law. Moral facts, like all facts, are to be discussed and expounded where they are the strongest and plainest ; when they take the lead in progress ; when conscience distinctly asserts itself as a law. In these instances, conventional sentiment not only offers no explanation of them, it is manifestly an antagonistic force to them. (4) Nor would conventional sentiment have half the force which it now has, did it not often adopt independent, moral elements.

Pure outside enforcement can only act as a pain or a pleasure, a fear or a lure, unless there is already present a sensibility to duty, a preparation for it in a moral nature that readily understands and accepts obligation. You can organize moral beings, and public sentiment will powerfully aid in the organization. The question is, what can be done in this direction with beings at once immoral and unmoral, —immoral as full of perverse appetites, unmoral as destitute

of any sense of duty in controlling them? Spencer and others still farther explain the feeling of obligation as one that has become instinctive by protracted descent. (1) This element of descent adds nothing unless there is first something to descend. Descent may turn a rational conviction into an instinctive one, it can not explain the first clear or obscure perception. Descent as a passage of the conscious into the unconscious, the rational into the instinctive, the clear into the obscure, leaves the first intuition of right and duty to be independently explained. (2) Moreover, this sinking of duty into the darkness of our instinctive constitution is a hindrance rather than a help to moral progress. It is the very office of conscience to perpetually lift action out of physical and intellectual ruts, not to deepen them. The kind of tendencies that pass in these blind paths of inheritance are usually immoral, and need to be challenged, not by co-ordinate instincts, but in the clear light of the moral reason. How could an earlier and hence a less moral community pass over to a later community an impulse as an instinct without bringing fresh embarrassment? Indeed, are not the social, hereditary instincts another of the barriers to be broken through by the moral nature? Observe the castes of India which are instinctively enforced by descent, and what is their moral value? It must be borne in mind that protective conventional sentiment lays hold of institutions and customs rather than of principles, and that these, in the early development of society, may be of the most unjust and tyrannical character. The law is often set up in behalf of a few, and enforced

to the most manifest disadvantage of the many. The slavish opinion by which this is done will be at best but the caricature of virtue. The community rarely busies itself with abstract principles of justice, but gathers its full strength about concrete wrong, protecting the interests of the few, and so perverts and disguises the claims of the many. The blind, instinctive, hereditary tendencies of a selfish community may be looked on to transmit injustice, hardly to transfer justice. (3) But the perception of duty is our highest, purest, best perception; has in it the most of rational and the least of physical life, and these convictions are the slowest of all to come under the law of descent. Knowledge does not pass from sire to son. Professor Sidgwick recognizes the defectiveness of this explanation of obligation (*Methods of Ethics*, p. 432), and seems ready to fall back on the intrinsic fitness or rationality of the altruistic view. "I can not regard," he says, "the fulfilment of my desires or my own happiness as intrinsically more desirable or more to be regarded by me as a rational end than the equal happiness of any one else." (p. 364.)

Mill also seems to think that the sense of obligation may be connected directly with the notion of utility, and that thus Intuitionism and Utilitarianism would coincide. We can evidently see an action, so far as intellectual analysis is concerned, to be useful to others without seeing it to be our duty to perform it. How then does it become our duty? If we say that the sense of obligation may attach directly to an action as useful, we must mean that it attaches to that which makes it useful, to wit, pleasure. But if duty

attaches to pleasure, our own pleasures and the pleasures of the present, as more clearly felt, will have the advantage over other pleasures, and our law becomes, first superfluous and secondly immoral. We need no incentive to pursue our enjoyments, and an incentive to pursue them makes us less not more regardful of the pleasures of others.

If we say that obligation attaches to action regardful of the pleasures of others as opposed to our own, we have narrowed down the law of duty unjustly, and put ourselves directly at war with experience. It is plainly not a duty to seek the pleasures of others uniformly as opposed to our own. No rational law of life can be constructed on this principle. Shall we say, then, with Professor Sidgwick, that our reason discloses to us the fitness of the fundamental principles of Utilitarianism? I think we may say so, but if we do say so, we have passed over to Intuitionism, which we will now consider, since it seems to be also the ripest product of the ripest Utilitarianism.



CHAPTER III.

Intuitionism.

§ 1. WHEN an action is offered to our judgment as right or wrong, we may settle its relations by reference to some general principle which finds application in the case. This is to avail ourselves of previous judgments. If, however, we open the question as one to be decided for the first time, or to be decided afresh, we are compelled to inquire

immediately into all the bearings of the action. That is, our moral judgment is preceded by a thorough and purely intellectual estimate of the relations of the action, and is correct in proportion as this estimate is exact and exhaustive. As this inquiry proceeds, the conduct under consideration may seem alternately right or wrong with each enlargement of our horizon. A sum of money is given by one well-to-do to one in poverty. This fact alone before us, we regard the action as one of benevolence, and commend it. A little inquiry reveals the fact, that a pauper-class is on the increase, encouraged by such careless charity. We are now disposed to doubt the virtue of the gift. We farther learn that in this instance the wants of the recipient were well known to the donor, and called for immediate relief. Again we commend the act. But this is not all. An organized benevolence had been established in the community, under the administration of persons wise and systematic in their action, expressly to anticipate the need of private gifts. This particular person had pledged himself to sustain the collective action, and might have done so in this instance. Once more, we pronounce him wrong. Yet our judgment may return to its first conclusion, when we learn that the benevolence was not only prompted by personal interest and guided by adequate knowledge, but was thought by the giver to belong to a class of cases not embraced in the general rule.

It is plain that no action can be pronounced right or wrong till that action is understood, nor be pronounced so certainly till it is fully understood. Actions are subject to

the moral insight, not through their outward sensible appearances, but through their interior character and causal efficiency. Each case, therefore, must first be made up by searching inquiry, and be decided only after a proximately complete presentation. An action as thus present in its relations to the mind we term an intellection, that is, a product of intellectual inquiry. It is in the intellection that the moral quality is seen. Moral quality does not belong to merely sensible actions, but to actions as understood in their relations to rational beings.

§ 2. This intellection may be said to be that in which the right inheres. It is made up (1) of the feelings which call forth the action, and (2) the feeling it sets in motion. The given action springs from and expresses certain states and tendencies, it also is productive of new states and tendencies—a new series of effects. Comprehended both as a product and as a producing cause, it is thoroughly comprehended, and the moral reason can then pronounce on its moral relations, its relations to us as spiritual beings. When we speak of the moral reason or of an intuition of the reason, we need to guard against the implication that any organ of mind is referred to. The faculties of mind are not separate nor functional, like those of the body; that personal power known as spirit is operative in them all. Powers of mind are divisive in the form of activity, not in its seat or locality. The intuitions of the moral reason are the products of the highest insight of the spirit of man, to wit, those in the direction of duty, those that disclose the ultimate laws of spiritual life.

Of the two portions of the intellection, that which is most immediately known pertains to the feelings and incentives of the actor ; while the other moiety, the results in our common social life, is made known slowly, partially and by laborious inquiry. At this point arises the division between relative right and absolute right. An action is relatively right, in reference to the agent, when it springs from kindly feelings and just incentives. We must include in the just incentives sufficient vigor to lead to faithful execution, and no execution is faithful which does not involve earnest inquiry. An action is absolutely right when it is fitted to secure the general well-being. Right in reference to the agent, and absolute right, do not, therefore, necessarily coincide.

The knowledge and intelligence of the agent may not be such as to enable him to understand fully the consequences of conduct. He may thus misjudge, and this misjudgment, without destroying the virtue of his own action, may mar its usefulness. We use the word *right* to cover both of these relations ; and the virtue of the action, which turns on its connection with the agent, and its usefulness, which depends on its consequences, may either be designated as right. As the two relations are quite distinct, the use often leads to hopeless confusion. If the intelligence of the virtuous man were complete, there would not be this separation. Insight would lay open the proposed action in all its bearings, and virtue would secure that line of conduct that embraced the most complete utility. This utility, however, is not the simple

utility of physical and intellectual sensibilities but of moral ones also.

It would aid the clearness of thought, especially in discussions on utility, if we were to designate the relative right as the virtuous action, and the absolute right as the desirable action. Virtue lies exclusively in the intelligent choice of a moral agent, since this is the sole seat of voluntary life ; desirableness turns as exclusively on the natural sequences of action, or efficient causes. These inherent tendencies it is that settle effects.

When this virtuous choice is one of beneficence, it can complete itself only through desirable action, and its beneficence, that is to say, its virtue, is expressed by the careful love with which the fit line of conduct is sought for. But there are many virtuous choices with their incident states of feeling which do not relate primarily to exterior action, and are therefore relatively independent of results. The results are chiefly determined by the character of the mental state, as the image in the glass is the image of the person looking into the glass. To doubt that veracity, faith, reverence are intrinsically fit, is to distrust the inner law of our own spirits ; and to fear, that in sincere expression, they will not ultimately work regeneration, is to disbelieve in the efficacy of virtue, the harmony of the external and internal worlds.

It is this distinction that the mind is struggling for, when it speaks of a sin *per se*. Malevolence is a sin *per se*, and can never have the justification of virtue, though in a given instance it may have wrought an apparent good. Slavery is not a sin *per se*, since its fitness turns on circum-

stances, its present power to bless or curse the parties to it. We can conceive circumstances in which, for a limited period, it may be prompted by beneficence, and help all concerned. Cruel circumstances, indeed, they would be, but they do not the less modify for the moment the law of wise and so of beneficent action. No external acts or states are necessarily right, and hence no shaping of these is a sin *per se*. Many inner states are intrinsically and eternally fit, and may never be voluntarily lost.

The absolute right is never completely knowable ; the relative right or virtue is always attainable. It simply involves a faithful use, under the laws of right, of the powers present. Such faithfulness is possible, and is virtue. The absolute or ideal right is a vision ever in advance of the virtuous mind. The more nearly we seem to approach it, the more does it expand, gaining intensity of light and spreading over new fields. The virtuous attitude above all things is one of inquiry, lest the next phase of duty may escape it.

True intelligence is but the radiance of virtue. The obligation of the individual lies not in full possession, but in conscientious acquisition. The position from which we start is given us, the vigor of the race is ours, and in this lies the virtue.

§ 3. The virtuous action is made up of two elements, in each case open to inquiry ; it may be still farther tested by the principles of experience which have been accumulated. The feeling which the action expresses is its first moral power, is that by which it blesses the agent and

struggles to bless the object. The first inception of virtue in faith, patience, integrity and love, will always remain a leading source of moral quality, no matter how closely these may be associated with practical beneficence or utility.

Beneficence is not the only incentive in virtue, no more than love is the only feeling. The receptive or relatively passive states of the soul are virtuous or vicious as certainly as its aggressive ones. We are constantly sustaining the actions of others, and the virtue of our moods lies in the feelings which the good and bad actions of those about us evoke. An attitude of patience, forbearance and magnanimity commends itself at once to the moral reason for what it is in itself, a fit expression of spiritual strength. It further commends itself in its ultimate results on others, but these results flow from that inner peace rather than that peace from these consequences. The primary element in our estimate of these more passive attitudes is their spiritual sweetness and moral serenity.

The same is true of all those more intellectual attitudes which we assume toward truth. The loyalty of our own hearts to it, whether it pertains to society or to religion, is a virtuous element, and the results of such fealty spring largely from the fealty itself as fealty. Truth that is uttered only under a prudent calculation of results, loses many of its rewards. There is a prior faithfulness in the spirit itself, which expresses its own life, and so the life it carries with it.

Even more true is this of the higher spiritual affections,

of mingled love and reverence. Worship and our actions toward God owe almost all their power to the feelings they embody. The method is good or bad chiefly as it is freshly expressive or purely formal ; and its results on others will be determined by this its interior power. Like heat in the air, it is first heat and then life.

Acts of justice and words of censure are measured in their restraining and corrective power by the spiritual force from which they spring. A keen sense of justice, a strong conviction of moral quality, must pervade them to turn them into moral power. Even a certain defiance of consequences is not without a redemptive energy over these very consequences by virtue of the superior moral life it expresses.

If now we pass to acts of beneficence, which spring directly from love, and find their only incentive in the effect on others, the question is still not merely one of usefulness. The good action must be pervaded by the living impulse, the personal, emotional element of virtue, or its usefulness will only half avail it. It will be the well-colored rind of virtue rather than its rich pulp. Indeed, one reason why we insist so carefully on the correct method of beneficence is because that method alone can give utterance to and contain a pains-taking love. It eliminates indifference as shown in indolence and indecision, and enables the substance and the form of conduct to coalesce in the highest moral beauty. We affirm, therefore, that the feelings which accompany and sustain virtue are a first and obvious criterion of its character.

The second criterion of virtue, second in time and in importance, is the usefulness of the states and actions which it produces. It is plainly second in time because a virtuous love precedes it ; it is second in importance, because it pertains more to the form than to the substance of virtue, more to it as a thought than as an emotion, as a method than a purpose. We would not underrate this criterion. It is the great truth of Utilitarianism to restore it to its true position. It has been the great error of Intuitionism to affirm that the decisions of the moral reason are made "by simply looking at the actions themselves without considering their consequences."*

This is put out the eyes of the intellect as a step antecedent to the highest activity of the man. The holier the action, the greater the scope of vision. All action that has consequences must be more or less perfectly known in its consequences, if we are to judge it correctly. This is entirely plain, if we consider simply beneficent activity. If we propose to ourselves, as we ought, the greatest happiness of the greatest number, we must strive to understand the conditions of its attainment. To take any other view would be to say that mere action and not wise action is obligatory.

The statement of the intuitionist gains its plausibility from another class of cases. He says that we should hold fast spiritual truth without reference to results. That it is not a foresight of these results that imposes the duty, but the duty that insures the results. Herein he is correct, but

* *Methods of Ethics*, Sidgwick, p. 80.

the assertion does not prove that the action is right or wrong without reference to results, but that virtuous conduct has intrinsic character which may furnish another and sufficient test of its nature and forestall results. Results are often exceedingly complicated and exceedingly obscure. The unfortunate ones may be clustered in the foreground ; the fortunate ones may be scattered, remote, hidden. The mind in its fluctuations of feeling can not find in them a secure basis of judgment. It seeks other criteria of conduct, avails itself of them, and strengthened by them faces apparent disaster. There is in this no assertion that action is virtuous or vicious without reference to consequences, but only that its virtue and vice are not at once visible in its consequences, and may be visible elsewhere ; that it is not the consequences that *constitute* the nature of the action even when they *declare* it. The virtuous man has a profound faith that consequences will vindicate the wisdom of virtue. He remembers that virtue as virtue has a controlling force in shaping results ; that when virtue, therefore, is clearly disclosed by other tests, it carries with it by its intrinsic strength, the promise of the future. While virtue is always useful, it is often so simply because it is virtue, fidelity to one's higher nature. Once being assured, on any sufficient grounds, of the right of any given action, we need have no further anxiety as to its results. The tracing of consequences imparts to virtue its formal not its substantial justification ; a secondary assurance of its presence, not its first power. We are, indeed, bound to look diligently to these results ; but virtue may pass over

freely into felicitous execution, but we are bound also to do it with a serene mastery within ourselves of the conditions of conduct. Unless we have the reserve of moral strength, anticipations will flow in on us, as passions, as uncontrollable hopes and fears, and beat us about like a ship laboring* under adverse winds.

There is a third criterion of right of the largest practical value, though of quite secondary theoretical significance; it is those principles which have sprung out of moral insight and been shaped and confirmed by moral experience. These, as general principles, will require to be harmonized in action one with another, and modified by those supplementary considerations which help to make up the special case. Here the moral insight must renew its work. We shall most often mistake by giving the passing inducements too much weight in reference to the general principle, by allowing the estimates of utility to overrule the sense of right. These innumerable modifying conditions usually address themselves strongly to our physical and intellectual sensibilities, while the general truth remains simply the voice of the moral reason.

§ 4. Having made up our intellection, whether by immediate knowledge or by previous experience or by both, the action or state is before us in its primary relations. So far the work of its construction is that of the understanding. Now the insight of the higher reason takes effect and pronounces the action right or wrong. The intellection had shown us two things; the class of feelings to which the action gives expression; the consequences which flow

from it. As a feeling must not only be just but wisely expressed, we have inquired carefully into both factors. We have the substance of virtue in an appropriate, spiritual impulse; we have the form of virtue in a wise action under that impulse. Such an action or state the moral reason sees to be right, and feels, as something contained therein, to be obligatory. Here we have an additional bi-polar activity of the mind, an insight expressed by the word right, an emotion expressed by the word obligation. What was before an intellectual statement of facts, now receives the light of reason, takes the *ictus* of command, and becomes a law. This transformation is wrought by the reason in that special activity which we distinguish as conscience.

The intellection is simply the ground or occasion of the insight—figuratively the substance to which the quality, right, belongs. By right we express the visible fitness of the act as an act to the eye of reason; by obligation, the feeling of duty rationally consequent thereon. Right and obligation are inseparable from each other,—the intellectual and emotional poles of one activity. The right is the instant ground of the obligation.

What purpose does the intuition subserve? It creates law. It makes the spirit clearly, consciously supreme within itself. It plants conduct and character on their own self-contained foundations. The whole nature instantly becomes moral by falling under this pervasive moral law. A birth of new sensibilities called affections takes place, and all things are changed within us as we obey or disobey this enthroned sovereign of the soul.

§ 5. We may still wish to push the inquiry a little farther and to ask distinctly, Is it the usefulness of the action that makes it right? Or the rightfulness that makes it useful? Or are the usefulness and the rightfulness of an action more or less independent of each other? Is it the usefulness of an act that makes it right? We are now to bear in mind that we are using the word *right* in its higher signification as designating an act which is virtuous and not one simply desirable. The utility of an action may often be the ground on which we affirm it, in this higher sense, to be right, but is not its very rightness. A course of conduct may be judicious. The father may explain it in these connections to his son. So far the parent has counseled the child. Still the son may hesitate, and the father may proceed to command. The proposed action now rests on a new foundation. The son may respect the authority of the parent, though he fails to see the wisdom of the course enjoined. There is now a clear distinction between the intrinsic wisdom of the action and its rightfulness as commanded by the father. The supposed fitness has been made the ground of the injunction, but they are by no means different statements of the same thing. The son can accept the command without seeing its wisdom. The utility of an action can not be indifferent to a beneficent and intelligent agent. It guides him in his choice. But the action is turned into virtue by this loving acceptance of it, and the proposed conduct has antecedently the hold upon his mind and heart, not of utility but of law and love, of something enforced by conscience

and coveted by grace. The right springs out of the action in all its rational relations, chief among which is its beneficence; but when it arises it goes forth like the command of the father, with the emphasis of sufficient and final authority and large love; utility expresses the line of thoughtful beneficence, and thoughtful beneficence is seen and felt to be a law of our higher nature. The same is equally true when utility is remote, when we have respect to our own nature, or when we love and reverence God or any virtuous being who is beyond the scope of aid. The feelings are the seat of the virtue, and the usefulness follows on.

That utility, while often the occasion or expression of virtue, is not the very virtue, is seen in the fact, (1) that an action, supposed to be useful and performed in a beneficent spirit, retains its virtue, though we are mistaken in its results. The pernicious character of the consequences does not destroy the virtue of the virtuous choice and feeling. On the other hand, if an action prompted by ill-will turns out fortunately, its issue is mere good fortune, not good-will, not virtue. Utility simply indicates the direction which the virtuous action should follow, and is not that virtue itself. This is found in the integrity and benevolence which prompt the effort. (2) If the right were merely another statement for the useful, the two could never stand opposed to each other. As a matter of fact, they are slipping constantly into apparent conflict.

That we are called on hourly to choose between pleasures, which express to us utility, and what we deem right,

is very plain. What is more to the point, difficult moral questions and moments of supreme struggle are met and passed through by superior spiritual natures by means of an interior strength and a reverence of truth, and with only a feeble forecast of results. If that forecast is present as with Latimer, exclaiming, "Be of good comfort, Master Ridley, and play the man. We shall this day light such a candle, by God's grace, in England, as, I trust, shall never be put out,"—it springs from a faith in virtue as virtue, and not from the observation of natural forces. (3) The virtuous mind in its inner perspective gives to the law the foreground. It must do this many times and in many ways. Disinterested affection is pleasurable in the degree of its disinterestedness. The good-will and respect of friends are often secured by an oversight of them as objects of pursuit, the eye being directed simply toward truth. Self-culture can only gain its perfect form when it is partially forgotten, and follows on after large out-going and loving sympathies. Benevolence even can scarcely be proposed as a primary feeling. It must arise as a secondary experience under the love of God, if the stream is to be full and clear. The love of God expresses most perfectly the love of virtue. The perfection of the divine character, lifted entirely from the plane of utilities, makes it to the human soul the most pure, provocative power to virtue.

The second query, Is it the rightfulness of an act that makes it useful? must be answered much like the first. The usefulness has much to do with the rightfulness, and

is often the determining element in guiding us to it; so also the rightfulness has much to do with the usefulness, and may be the decisive consideration making the act useful. The son may obey, and find in obedience itself his chief satisfaction, a satisfaction sufficient to reward him for the incident self-denial, even though the command should prove to be mistaken. The very beneficence of a purpose may carry with it success, when it is otherwise fitted to fail; the very fact that truth has been staunchly stated may win a victory; and also the inner peace engendered by love and truth may bless the soul beyond the marring of external circumstances. Virtue itself, as virtue, must be accepted as the most efficient of efficient forces in shaping results. This it could not be, if it were merely the pursuit of the useful, another term for the notion of utility. Happiness in its best forms is *incidental*, incidental to physical activity, to intellectual activity, to moral activity, and above all to virtuous activity. Happiness can hardly be pursued directly. We must find laws of life other than it, if we are to win it. And if this be a principle in the pursuit of individual pleasure, we must also bear it strictly in mind in seeking the greatest good of the greatest number. The law must be the same in both cases, and we must offer to each as an ultimate aim, virtue, not happiness. The greatest good of the greatest number must be transformed into a law, and looked on as a law, before it can begin to help us in winning pleasure. That is to say, we slip the pleasure from its alleged ultimate position in the very instant in which we offer it as the pri-

mary fact in morals, and furtively put in its place a command, a law, to wit, the greatest good of the greatest number. The only query that remains is, whether the law is a law of our own souls, or a law forced upon us by the interests of others.

The third question, Are the usefulness and the rightfulness of an act partially independent of each other? is easily answered, having answered the other two. Man's nature is complex. He has three classes of sensibilities, physical, intellectual and spiritual. Utility, as pertinent to this discussion, pertains to the first classes only. Evidently, physical and intellectual sensibilities have an independent origin; they are not identical with our spiritual sensibilities either in their source or nature. Each class of enjoyments offers, therefore, partially independent considerations, yet considerations not wholly independent, as they all belong to one nature, and exist in the closest interaction under one scheme. If that nature is capable of a harmonious development, then that development, when perfected, will combine the highest possible good incident to each and to all of the constituents of our constitution. The realization, therefore, of the greatest good is not the securing of utility as separate from virtue, nor of virtue as separate from utility, but of the two conjointly, each in its own rank. The happiness of a kingdom is not the well-being of the sovereign alone, nor of the people alone, but of both in their relation to each other. So long as that civil conflict which we designate as sin shall remain, utilities so thought and virtues so felt, will oppose them-

selves more or less, and the latter assert their rightful sovereignty. Yet, this sovereignty conceded, virtue will go on at once to indicate itself by a reign blessed in utilities. The ultimate harmony of the two terms is found in the interior harmony of our constitution under its divine constructive thought. So long as there is discord, the minds of men are filled with the practical and theoretical discord of the two tendencies of activity; they take sides, they obey and disobey, as if the strife were eternal. Ultimately virtue will show itself so beneficent that we may scarcely note in which way the forces act, from virtue to happiness or from happiness to virtue, the two becoming co-extensive under the Divine Reason. The ignorance and haste of men now make the division apparent, and call upon us to point out sharply the true relation between them. We are to cut the contention short in righteousness. We are to win virtue by pursuing it, and gather up the useful by the inflow of new strength.

§ 6. What are the relations of right to God? If we are theists, we shall believe in the perfection of God; that he is the Eternal, Pervasive Reason. As the Pervasive Reason, he is a law to himself, not a law of will but of reason; that law of reason, self-disclosed and enforced, is right. The eternity of the principle is found in God, not in things; in the nature, therefore, of God, not in "the nature of things." He comes under law, but it is his own law, the law of his own infinite and eternal reason. We are made in his image; we grow up under a kindred law, perceived and enforced within ourselves. This is the law of virtue. It,

with us, as with God, is not a matter of will but of reason. Yet as our nature is finite, derived, the law is derived. We come under the governing hand of God, because we come under his creative hand. He speaks, but his voice is the voice of reason, the voice of our own souls, articulating the first truths of reason that come to them. The questions of right are not questions of will or power or pleasure, but of that highest law of reason which is recognized when reason itself is disclosed as it is in the consciousness of man. Reason may figuratively be said to be the one transparent thing, and that transparency to be incident to the inner vision by which it is made known to the rational mind, penetrable to ultimate truth. Every axiom is a ray of light finding its way through the crystalline reason from the infinite fountain of light. We may, therefore, cheerfully accept the conclusion of Kant, "that there are eternal grounds of morality; that they have their basis in an Eternal Being; that conformity with them is the condition of man's eternal happiness." *

§ 7. This question of the ultimate basis of morals is one of the most vexed in philosophy, and one which men rarely approach except under philosophical predilections that carry with them foregone conclusions. The reason of both these facts is evident. The elements which the utilitarian and which the intuitionist reach by analysis are fully in the phenomena, and blended there in a very indivisible way. None can doubt that our moral nature in its growth is very closely united with conventional sentiment, and that its

* Moral and Metaphysical Phil., Maurice, Vol. II., p. 635.

existing phases are determined by previous social development. The moral germs, indispensable as they are, are yet easily overlooked in their minuteness and remoteness. They reappear plainly it is true in individual experience, but the empiricist is accustomed to look to the many rather than to the few for the law of his inductive method.

We need in settling this question to begin with our lowest endowments, to see what we are entitled to under a denial of any primitive elements in our spiritual nature, and to inquire what can be constructively made out of our purely sensational and intellectual constitution. We are not entitled to our social feelings as we now find them, for these are permeated with moral sentiments. The moral nature percolates downward and modifies all emotion. To use these emotions in their present composite state in constructing our social morals is to borrow all along the very elements we propose to reach as the product of social growth. The manner in which from the beginning we regard our fellow-men holds a latent morality, and this morality will indeed unfold itself into the existing laws of Ethics. The real question is what kind of a law would be the product of physical sensibilities, of appetites and natural affections, expanded into desires by the forecast of the intellect, and so passing over into passion amid the concurrent and jostling interests of social life? If, as utilitarians, we begin our construction where we ought, with appetitive impulses, with the purely intellectual feelings incident to them as they lengthen and strengthen under the clear, cold eye of calculation, we shall find it impossible to get the

first terms of a truly moral development. Our success and our confusion arise from the fact that we are dealing with very complex phenomena that contain all and more than all we find in them.

The two schools of philosophy, the intuitional and the empirical, settling, as they do, at an early stage of the discussion the sources of knowledge, find themselves, when they arrive at Ethics, already pledged to a method. The empiricist can not now take up new phenomena, give them independent discussion and find in them fresh elements without thereby subverting his entire system. Morals have suffered by sharing the fortunes of kindred and obscure points of philosophy.

§ 8. A feeling is very prevalent that diversity of sentiments and above all of practical conclusions is in morals peculiarly to be deprecated, and vitiates in a profound way the value of so-called ethical laws. Certainty and uniformity are demanded as the only fitting conditions of obedience. We do not in the least sympathize with this opinion. Exact, uniform and wholly intelligible laws would begin at once to straiten and strangle our spiritual nature. Obedience would henceforth be comparatively mechanical. Our moral constitution is thoroughly incorporated with our intellectual constitution, and must share its conditions of growth. The very pith of it as a free spiritual impulse lies in the way in which it issues out of our own thoughts, and gathers light on its path as these kindle into intelligence. The intellection in which duty is seen must forever alter and enlarge under growing knowledge, and the ethi-

cal insight of the soul of man is present on purpose to drink in this new truth, to enjoy this new revelation. A precise command would be narrow, external, heartless, and would shortly have no living hold on our growing constitution. It would at best be like the dead stone which the tree sometimes wraps up in living fibres. We do not require a full explicit law. It would be unintelligible to us if it were given us ; we do require fresh insights and fresh impulses that spring out of the immediate conditions of our lives, and our present intellectual and spiritual mastery of them. The diversity of moral law is not a disaster any more than are the weakness of infancy and the tenderness of youth.

§ 9. This fact clearly recognized, that virtue involves only living points of transition, well made in our spiritual growth, we shall easily understand some of the limits of responsibility.

Responsibility is gathered into the immediate action, and narrowed to the light there present. It never transcends backwards or forwards this point of vision and of power. Original sin is an absurdity in any strict sense. Each moment has moral and intellectual dependencies, stretching far backward and far forward. It is profoundly altered in its conditions by our own action hitherto, and by the action of our parents. It may also greatly modify our own future states and the states of our posterity. It is these considerations which make it a focus of responsibility. The past, like a lens, gathers in the light and heat of history and pours them on these transitional points, while they themselves are pregnant with immeasurable

forces. The moral life of the race is one, from the beginning to the end. The conflicting energies, general and personal, of the race and of the man, reappear in these volitional centres. The personal tendencies which each man brings to his own problem of action are his disposition. So far as those tendencies are constitutional, they are his natural, ancestral disposition; so far as they have been modified by his own action, they are his moral disposition. The vices and virtues of parents reappear as the natural disposition of their offspring. All are in one, and so one modifies results for all.



CHAPTER IV.

Points of Superiority between the two Systems of Morals.

§ 1. THE intuitive system of morals as now presented has many theoretical advantages over Utilitarianism, while it is able freely to appropriate all the practical gains of the empirical philosophy. The first and most fundamental of these points of superiority is the clearness and distinctness of the sense of obligation. Every man is placed at once before the tribunal of conscience in the presence of the highest authority of his own nature, and thus hears without confusion or disturbance the only voice of authority from which there is no appeal. The quickness and decision with which an ultimate appeal is made to the soul of man itself, is the great gain of Intuitionism. The axiomatic

force of virtue is brought straight home to the mind. All secondary evasions disappear, and the clear eye of reason is compelled to see and accept vice and virtue as things in themselves ultimate, each in its own nature most distinct and most plain.

A second gain is composite. The riddles which beset Utilitarianism receive a satisfactory solution in intuitive morals.

(1) Professor Sidgwick returns frequently to the fact that pleasure can not be sought directly but must be incident to more disinterested activity. This is a principle less troublesome in Utilitarianism, where the object of effort is the enjoyment of others, than in Hedonism, where it is our own enjoyment. Yet it remains a fundamental law that the search in any way for enjoyment tends to baffle itself. The reason is plain for this under intuitive morals. The law stands out as a law to be obeyed. It has an authority beyond the pleasures incident to it. It thus becomes a first consideration to know the law, while the interior constructive power of the law is left to disclose itself in the results. Obedience, no matter how wise and kind the law obeyed, has always something of this primary force. Without it, obedience would sink into a means to an end. Herein we find room for the subtle, cardinal words of Christ, Whosoever shall seek to save his life shall lose it; and whosoever shall lose his life shall preserve it.

(2) This system of Ethics can explain the rationality of that high moral attitude which such men as Mill must take,

and are willing to take, though no basis appears for it in Utilitarianism. "I will call no being good, who is not what I mean when I apply that epithet to my fellow-creatures; and if such a being can sentence me to hell for not so calling him, to hell I will go."* The martyr meets death in a confession of faith. The act is absurd in reference to personal pleasure, and, though a supreme act of virtue, finds a very obscure justification if any in the enjoyment of others. In intuitive morality it stands brightly forth as perfect faithfulness, and commends itself as the highest allegiance to the highest law. The sacrifice is great, and it is not made on an uncertainty. Our instincts of duty and our prudential judgments are not left to rend us asunder.

(3) It is not plain under Utilitarianism in what way the recognized principles of virtue are always to secure the highest enjoyment. Hence our faith in them may waver. The intuition of right attaches such weight to its injunctions, and evokes so many feelings of approval, that it first settles by authority the right line of conduct, and then by its own manifold reactions goes on to reward it and make it peaceful and blessed. Yet this peace and blessedness are incident to and consequent upon the prior authority. While right action lies in the direction of enjoyable action, it itself has inexhaustible power of reward and censure. The service of a great king may itself atone for many sufferings.

(4) Professor Sidgwick discovers a number of cases in

* Examination of Sir Wm. Hamilton's Philosophy, Vol. I. p. 131.

which what would ordinarily be vice may find admittance in utilitarian morals.*

A lie is thought to alter its character according to its publicity, that is, according to the infection of example. All will feel that the idea that secrecy alters freely the moral character of action is a very dangerous and deceitful view, though they may not be able to see the reasons which condemn it. Intuitive morals step in with authority to cut off this subtle calculation of chances, this tracing of evanescent results, and puts us on the far more safe ground of the ability of the moral nature to practically vindicate itself and sustain its servants.

A third superiority of Intuitionism is involved in the fact that it furnishes an earlier, more authoritative law than Utilitarianism, while it gives equal room with it for growth. A law to human conduct should take hold at once and low down with comparative little reference to degrees of intelligence, and yet should expand with all knowledge. Utilitarianism in later stages may grow easily, but it does not in earlier stages root easily and strongly. This last is, if possible, the more essential of the two conditions. A vision of the useful will be a very obscure and flickering light to the vicious.

A fourth gain of the intuitive theory is that it has more favorable conditions of growth even than Utilitarianism. The intellection, as we have seen, is made up not merely of the results of action on well-being, but also of the purposes which give rise to it, and the feelings which accompany it.

* *The Methods of Ethics*, p. 450.

These, though they do not alone settle the character of conduct, are very influential in it, and sometimes turn what would otherwise be evil into good. Gifts, theoretically wrong, may, by the tenderness that accompanies them, become practically right, touching the spirit of both giver and receiver with moral life. This whole realm of feeling out of which virtue issues is added to that of results in which virtue works, and our judgment has thereby broader and more stimulative premises. So too our personal relations to God are likely to be more felt, and to be full of superior light under this system of morals. The principles of conduct which will be accumulated will add to prudence and good-will spiritual inspirations, and we shall be able to draw water from deep wells of salvation as well as dip it up by the roadside.

Still farther, we shall not be cast so unreservedly on a calculation of the worth of pleasures, and an effort to grade them down to a definite value, which Professor Sidgwick pronounces a "philosophical chimera."* To be sure, that which is impossible in Hedonism is comparatively practicable in Utilitarianism, yet even here we need some standard of the intrinsic worth of the various kinds of happiness, or we shall hardly know how far to break in on sensational pleasures in the pursuit of spiritual improvement. Physical and commercial advantages must often be sacrificed even in the community for more liberty and more light. These profound questions of progress require profound estimates, and a doctrine of utilities is very liable to

* *Methods of Ethics*, p. 126.

ground, especially with those whose spiritual nature is weak. A law of utilities fails us in almost every dangerous place. Its sensibilities and judgments are both perverted by hard conditions, in a life that ranges only in a region of comforts. Professor Sidgwick admits fully the irreconcilability of pleasure and duty in their entire dimensions. "While in any tolerable state of society the performance of duties toward others and the exercise of social virtues seem *generally* likely to coincide with the attainment of the greatest possible happiness in the long run for the virtuous agent, still the universality and completeness of this coincidence are at least incapable of empirical proof."* "When Utilitarian Duty calls on us to sacrifice not only our own pleasures but the happiness of those we love to the general good, the very sanction on which Utilitarianism most relies must act painfully in opposition to its precepts."† Nor does this affect the virtuous agent alone. If his own happiness is sacrificed by the apparent law of duty, he is made proportionally less certain of winning the greatest happiness of the greatest number. A fundamental fear overtakes him, and his moral judgments waver. If it is true "that my performance of Social Duty is good not for me but for others," I may lose distinct vision of what is fully and certainly good for others. I am dealing with a law of pleasures, but one that should harmonize and combine the pleasures of all. This the law before me seems to fail to do. This is defective, why should not others? If I find it so de-

* Methods of Ethics, p.

etics. n. 461.

† P. 465.

§ 2. A fifth superiority of Intuitionism is, that it better combines theory and practice. The empirical, practical tendency, from Aristotle onward, has inclined to utility as the ground of duty; the spiritual and theoretical, from Plato onward, to an intuitive grasp of law. We can not afford to surrender either of these two views. Remaining Intuitionists, we can easily take up for our practical guidance all the principles of utility. They find a place in the system without distortion or strain. Its intellection is open to receive all the results of action. Its principles thus secure the wisdom of a broad experience, and retain under it the authority of a coherent theory.

A sixth advantage of this retention by Intuitionism of the fundamental characteristics of both systems, is that the two coalesce at length in a higher reason. If we take duty as a primitive law, we shall find ultimately that we have entered by it into the fulness of pleasure, and that a large, peaceful life stands expounded in the clear light of reason as satisfactory within itself and every way sufficient to itself. We pass from duty to pleasure, from pleasure to peace. Law as law is as constructive in the moral, as in the physical universe, and when the spiritual heavens are once spread, we have only to admire their serenity and order.

Right resolves itself ultimately into the insight of reason, including the whole scope of the action, while this scope itself is farther enlarged under reason. Hence the reconciliation; the insight of conscience is but the anticipatory snatches of perfect vision.

A seventh plain superiority of the intuitive theory is found in the position it assigns the individual. Under the doctrine of utility, A sees it to be well that B and C should pursue the greatest good of the greatest number, and enforces it upon them. B sees the same in reference to A and C, and C in reference to A and B. Conjointly, they impel each other to do what no one of them is willing independently to undertake. Thus collectively they attain a higher moral position than falls to them singly. This is in the face of all history. The community does not collectively push forward its best citizens; its best citizens lead it onward. All reform is of this private character, and belongs to those who have a genius for spiritual things. They by the contagious force of their own insight and life call out a corresponding feeling in others. Sometimes a little craven unanimity of action, as of a regiment pushed into danger, may be secured by mutual fear, but no noble action. If A says to himself, "I see this action right for me, I accept it as a divine voice," he therein becomes an intuitionist, and is prepared to impart to B the same vision. The record of the world's progress is this record of gifted souls walking in the light, and leading others into it. Moral sentiment may be partially disseminated in the manner indicated, but hardly set on foot in that fashion.

The preëminence of Intuitionism is also seen in the integrity it imparts to the individual. The law, the life, the growth, are from within. Duties do not come as a burden from without. They may take the form of self-sacrifice, but it is only the form. Though life may seem to be sur-

rendered, it is regained in a higher measure. The germ of development is ever in the soul itself; its own holiness, wholeness, brings to it the conditions of its activity. Beneficence does not weigh it down as a load, but is the direction in which its own powers find expansion. It would be profoundly unfortunate for the spirit, if external social conditions did not correlate with the internal law. The life in moving outward can not be in the least lifted from its own centre. No violence can be put upon the soul by exigencies, opinions, and the claims of other men whose well-being is more or less foreign to its own. What seems a sacrifice must be a free gift, and so become a blessing. It must be better to give than to receive, or giving is a failure.

§ 3. A ninth difference between the two explanations, with an added clearness of idea on the side of the intuitionist, is, that the sense of obligation, which must be admitted by all as a peculiar feeling, the leading characteristic of moral facts, has a primitive origin in the one view, and is very darkly and obscurely evolved by the other. A simple feeling requires a plain, firm attachment. The perception of duty gives such an occasion to the emotion of obligation. But if there is no simple primary occasion for the emotion, how can conventional sentiment call it out to increase it? What is not in the individual, is not in the multitude. The many are impotent to create a sentiment, though they may be strong to enhance it. Since other feelings can not become this feeling, where are we to look for its germ save in an intuition? The mere presence of utility as utility evidently does not give rise to it, for if it did, the ultimate

result would be Hedonism, enforced pleasure. Society can furnish no more emotions in kind than do the individual constitution and life. The utilitarian evidently must acknowledge, that the greatest good of the greatest number does not, as an intellectual statement, carry with it a sense of obligation. If it does, why evoke social sentiment for its enforcement? But if it does not, whence originally springs the feeling that is to be deepened by public sentiment?

One more point of superiority is the fulness with which an intuitive philosophy of morals takes up ordinary experience and meets its utterances. The garment of language is much too large for the law of utility. Its strong words fall off from their strength, and sink to a lower plane from which they should never have risen. Right, duty, obligation, righteousness, holiness, are not expressions of prudential calculation nor of conventional sentiment. They search each heart by itself for interpretation, and are best understood when we are least sensitive to the opinions of our fellow-men, and even when we are least sensitive to their immediate pleasures. Pleasures are mists and clouds in the sky. They must all be absorbed in pure law, in holy love, before light fills the heavens, and the eye gets the complete range of all worlds.

If we undertake uniformly to substitute the word useful for the word virtuous; or if we strive to settle utilities among themselves with no inherent distinctions between pleasures, we shall see how low our thoughts have sunk.

CHAPTER V.

Convergent and Aberrant Theories of Morals.

§ 1. PHILOSOPHY and its subordinate branch of Ethics are frequently spoken of as fields of inquiry full of confusion, and promising under existing modes of investigation no satisfactory results. The statement is much exaggerated, and the darkness is personal to the mind that complains of it. The history of Ethics discloses a steady growth; first an obscure movement toward the truth, later an increasing clearness in the putting of problems, till we have now reached a more complete enumeration of its primary principles than has ever before been possible, and a more comprehensive and safe grasp of concurrent, modifying and explanatory facts. These results are due to the sharp controversy between the two schools of morals. The intuitional philosophy has been driven to a more distinct and comprehensive view, while the utilitarian philosophy has brought forward secondary facts of the utmost moment, and directed attention to the modifications of the moral nature incident to social development, and the relation of social development to that nature. In the present chapter, we shall glance at the partial results reached in this search after a final statement; some of them lying directly in the path of progress, and some of them to one side of it.

If we place the foundation of law in the will of God, we have as yet no theory of morals. The law is external to the human mind, and acts on it only as force, or as the

quasi force of threatened punishment and proffered reward. But the mind will not long pause here. The inquiry will be pushed farther till a true law appears.

If we identify the will of God with the actual construction of the world, and then deduce the law of rational action from the pleasures and pains of social life, we have reached a Theistic Utilitarianism. If, with Cudworth and Kant, we make morality eternal and immutable, something which the will of God itself accepts and enjoins, we are planting ourselves on a high intuitional plane. The right becomes the interior law of reason, preëminently so of the Supreme Reason, and its apprehension by us is the direct insight of reason or the rational spirit. This mastery of the reason over its own conscious conditions of action may be variously expressed with various degrees of fitness, yet every expression be an approach to the intuitional view. We may regard the action of the mind as instinctive in the discernment and enforcement of the right. We have then hit on the direct character of the act but have lost its clear, rational light in consciousness. We may, with Shaftesbury and Hutcheson, refer the right to an inner sense. We have thereby simply obscured the true statement by a misleading image. The body is made up of members and functions ; the mind is a unit with diverse modes of action. Our proper reference therefore of an intuitive product is not to a separate sense, but to an insight of reason. The thought is made obscure by the expression though substantially correct.

We may, with Dr. Brown, accept the sense of obligation

as a universal, original sentiment. We then hold fast the emotional element while obscuring the intellectual one and the dependence of the two. With Schlegel, we may liken the voice of conscience to the voice of God sounding within us, or with St. Paul, to a law written in the heart. We thus express the constitutional fact, though we expound it under imagery that explains nothing.

The attention may be less immediately directed to the constructive reason of God, and we may find the right in "the nature of things," or with Dr. Clarke, in "the fitness of things," or with Dr. Wayland, in certain social relations. In each instance, there is plainly implied a primitive power by which the nature of things and of our relations to those about us, are interpreted to the human soul. When, with Kant or Coleridge or Cousin, we directly recognize the intuitive reason, we have only done distinctly under a more fortunate phraseology what others have approached in a great variety of ways. The points from which this one great fact of an intuitive law of rational life may be viewed are very many and unequally comprehensive. The diversity of opinion in Ethics has often been more apparent than real, has arisen from an effort to state and define a vision which all were enjoying, but no one fully comprehending.

§ 2. Jouffroy and Dr. Hickok present farther examples of fastening the attention strongly on certain relations of the law of right, and so expounding it through these, its primary bearings.

In each case, the primitive discernment of the law as a law is plainly implied. Jouffroy regards an action as right

or wrong, "as it aids or prevents the fulfilment of our destiny." Dr. Hickok, with a closely allied view, says, "The claim of intrinsic excellency of spiritual being as apprehended by the reason" gives us the rule of right. The statement in each case is guided by a fundamental fact. The intellection of which we have spoken, and which is made up of the proposed action as comprehensively expounded to the understanding in its interior and exterior relations, contains as its most substantive element the thoughts, feelings, purposes, which spring up with the action and express themselves in it. When we affirm an action to be right, we do it primarily on the ground of these subjective facts, which accompany it, which it contains. The fitness of these facts, as discerned by the reason and turned into a law of action, we term right. We may express the same fact with Jouffroy as a fulfilment of destiny, or with Dr. Hickok as the claim of intrinsic excellency, as dignity. Both destiny and dignity rest on the law of the reason directly disclosed to itself, not abstractly but under concrete facts as daily expounded to it by the understanding. What a rational spirit sees and feels, it sees and feels by virtue of its penetrative, rational power. The facts, whatever they are, expounded clearly or obscurely, correctly or falsely, are disclosed in their ultimate bearing on rational life by this insight of reason itself.

§ 3. We have in President Edwards' statement of right as springing from the "love of being in general," a wonderfully abstract, and in some of its bearings, elevated principle of action. Yet, by its logical affiliations it is necessarily allied with Utilitarianism. It is simply intelligent being, not

virtuous being, which is the object of this love. President Edwards was too acute a reasoner to bring around the conception into a circle by making the love of virtuous being the seat of virtue. Hence we have simply happiness as the motive of action, and a disinterested search for the happiness of all as the law of action. President Edwards may enforce this law by the government of God. He then sinks back on Hedonism, and falls below the true utilitarian, who strives—with no sufficient basis for it indeed in our individual constitution, but none the less strives—to implant and call forth extended, disinterested love. The injunction, Thou shalt love thy neighbor as thyself, is not open as a command to the same objection as the love of being in general. It is the second command under the primary one, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength. This love of God is the love of virtue in its highest concrete form, and is attainable only under a moral nature. So secured, the love of our neighbor becomes a love not of abstract being, or being in general, or of happy being simply, but of special persons as subject to the law of virtue. There is direct, sufficient ground for this love, as there is for the love of the household when the household is seen. We are dealing no longer with pure thought, with the love of being in general, or with the greatest good of the greatest number. We are not called on to grow out of the smallest root of natural affection, by feeble pulsations of sympathy, the entire trunk and branches of virtue. We are not required to break new ground and

plant an abstraction as the spore of spiritual life, but to discipline, each moment, under a concrete, constitutional and cogent law, the life already present.

§ 4. We will notice but one other system, that of Dr. Hopkins. It has arisen from an effort to combine the two great ethical tendencies ; to reconcile in one movement the empirical and intellectual philosophy. Virtue is referred to happiness as the source of its authority, but that happiness is expressed in its higher forms under the new term of blessedness, and as blessedness made to cover the ground of duty. Unless the system is to involve itself at once in a circle of the most obvious character, the divisions of happiness must be satisfactorily made out, and those which are worthy to come under the word blessedness be distinctly enumerated. If blessedness on the whole arises from action as virtuous, it is plain that virtue can not arise from the blessedness of the results. The author is thrown back upon the old labor of settling the grades of pleasure aside from virtue, and of finding in these grades an intelligible and practical law of action, and one which shall either sufficiently enforce itself as a law of pleasure, or can be sufficiently enforced by public sentiment. If, however, Dr. Hopkins were successful in his work, he would not have combined the two systems, but have forsaken the intuitional view entirely. If pleasures can be so graded for the individual as to give to him a law in their pursuit, we need go no farther than Hedonism. If they can not be so graded for society, and if society is able to take up and enforce in popular sentiment its own law, then we have reached Utili-

tarianism, but have no occasion to pass on to Intuitionism.

These fundamental facts which we need always to bear with us are obscured in the system under discussion by an effort to part the two elements of insight and feeling in the one indivisible act of the reason, and make the latter primitive without the former. The sense of obligation is spoken of as simple and ultimate, while the right, to which alone it attaches, is derivative. This is to confuse anew the whole question. The only inquiry in reference to the sense of obligation as a feeling is, To what does it attach? The higher feelings are all expounded by the occasion on which they arise. That occasion must, in the case of duty, be given and tested, otherwise we renew the obscurity of the topic by treating the feelings separately from their dependencies, and allowing them in this narrowed, divided form to take the place of intuitions.

We must ask at once in reference to the feeling of obligation, Do we mean by it simply an emotion? and if so, What is the source of the emotion? Putting these questions distinctly, we shall be thrown back for an answer on the pursuit of personal happiness, or of the greatest happiness of the greatest number, or on that fitness intuitively perceived which we term right. This ground has been beaten over a thousand times, and the result is always one or other of these answers, or an illusory play between them. When Dr. Hopkins affirms that "the obligation to choose arises immediately from the apprehension of the good itself," he makes an assertion so general as to be obviously misleading.

A good as a good, if it is offered directly to us, brings with it its own sufficient motive, that of pleasure. If it is the good of another to be secured by us, it carries with it no direct force save through a harmony of interests or through general sympathy. If it pushes us with any other than these self-regarding, primary impulses, it can do so only by that rational survey which then and there turns it into a duty, or by that conventional sentiment which takes it up and enforces it for the sake of the general well-being, transforming the interest of all into the duties of each. To refer obligation to good before the good is thoroughly defined in its forms, relations and motives, is plainly confusing and futile.

§ 5. In aid of this reference, Dr. Hopkins takes up one very pertinent, but very impossible inquiry in utilitarian morals, that of the rank or order of the various forms of good. The result of his labors is a criterion of pleasures, and so a law of precedence. "If the end accomplished by any system or group be conditional for any other end beyond itself, it will be lower than that end."* This he accompanies by what he calls the law of limitation. "Every activity may be put forth, and so every good be enjoyed, up to the point when it is most perfectly conditional for a higher good." †

These two principles seem at first to cast some light on action, and to give the needed guidance between pleasures. Reflection, however, soon loses again the new law of conduct. (1) The criterion here suggested of superiority in the various portions of our nature, ex-

* Lectures on Moral Science, p. 68.

† Ibid, p.72.

presses simply a logical relation in the mind of a worker, and does not necessarily touch any inherent relation between the parts themselves, much less indicate a like relation in the pleasures involved. If one portion of our nature can be shown to be conditional to another, does this fact prove that the enjoyments of the second are superior to those of the first? Certainly not. The most that such a relation would carry with it would be a vague expectation in this direction to be followed up by research—to be settled by actual insight. This conditional dependence of parts does not always define even structural superiority. The roof of a building is not of more moment than the walls; a government is not more significant than the people it controls; a state-prison has no superiority of relation over the civil law which involves it. When we pass with this law of the conditional beyond the action of a rational being, we are wholly afloat. A radius has no superiority over a circumference. The being of God is conditional to that of the world, he is not therefore inferior to it.

(2) The relation between human parts and powers is not of this linear order, but rather of a circular, integral one. If we group together all physical pleasures, and all intellectual ones and all spiritual ones, we may seem to secure between them as groups such dependence, though the pleasures within the group will remain with no mark of rank. Yet even this arrangement, as deduced from the law of the conditional, is illusory. It gives some plausibility to that law, but gets very little from it. In our present state the relation between the mind and body is one of reciprocal

conditions, the body owing as much to the mind as the mind does to the body. The skill and good condition of the body are largely dependent on the mind, while both body and mind in their development are largely conditioned on the moral nature. The relation is far too reciprocal to make it a linear lien, one on the other. If we were not already profoundly convinced of the alleged superiority we should hardly deduce it from the facts offered to prove it. The scientist would not so derive it ; he would make the relation reciprocal, like that between a function and an organ.

(3) The law of the conditional yields not simply good, but goods of various kinds, and so breaks up all the weights and measures of utility. Higher good must always mean with the utilitarian greater good, or he can no longer compare enjoyments. But if higher means greater, then the higher good can be outweighed by more units of a lower grade, and he may still choose lower pleasures against higher ones. If higher good means good different in kind, then the theorist has gotten off the basis of mere pleasures, and is launched on an extended Intuitionism. He has not simply enjoyment and its plural enjoyments, but he has many incomparable enjoyments, whose relations to each other in pleasure are wholly obscure, and he can not bring them to a scale without a definition of them in terms of pleasure, without indicating under what ratios the greater so called are to be compared with the less so called. But failing of this resolution he would have an intuitive obligation of different degrees attaching to a great

variety of actions, an obligation indicated perhaps but certainly not measured by the law of the conditional. He must therefore accept many intuitions instead of one. An intellectual pleasure is felt. It must also be seen to be distinct in kind and superior to a physical one, for this is the fact implied in a conditional relation, not occasioned by it. The mind must discern various superiorities in pleasures, and be ready to make every needful sacrifice for them.

(4) If we grant the law of the conditional, and look to the law of limitations to settle conflicting claims, this law is by no means complete. It is not sufficient to limit a lower pleasure in reference to a higher; higher pleasures must also be limited in reference to lower ones. A spiritual and an intellectual enjoyment may squander our heritage as certainly as a physical one. Thus we are thrown back again on the reciprocal circular relation, and all parts of our complex nature must be recognized as standing up in strength together, each having both an independent value and a value in reference to the rest, which values we must be able to see.

(5) The line of action hinted at in the law of limitation should be automatic. If we rely on the impulses of pleasure to carry forward each inferior activity to its limits, we should also be able to rely on each higher pleasure, as higher and stronger to set in at the right moment in the right degree. If the law of limitations is not automatic, the danger to be guarded against under the law of the conditional, would not seem to be the trespass of the lower upon the higher, but the reverse, the trespass of the higher upon

the lower. That this is not felt by the author, shows plainly that he is struggling with the sense of something that in the scale of being is higher than certain other things, but in the scale of present pleasures or goods is found to be weaker than they. In other words, his theory insists on a good which is obscure in popular experience, and can not become a law to that experience. Blessedness is not known as blessedness to those who are to be influenced by it. It must therefore fail if left to itself ; it calls for some higher insight to enforce it. (6) These two laws are of the most abstract character, and if, possibly, they should serve to expound the law of duty, they could not possibly be made its daily, practical basis. The way-faring man would miscarry in a thousand fatal sins before he could understand them or apply them.

(7) There still remains against the law of the conditional the impossibility of devising any test but a personal one for pleasure or good. It is in vain that another's experience or another's theory is cited to any man as a measure of his immediate enjoyments. The nature of enjoyments as enjoyments is overlooked by such criteria. A pleasure reveals itself in each special sensibility, and no where else, and there it must be defined and measured or not measured at all. Pleasures have no existence save a subjective one. They present no objective form, and are subject to no general measurements. The good can never therefore be defined to any soul by any law without itself. It must be defined within itself. The ultimate terms in the moral problem are given by personal sensibilities, and ratiocina-

tion in each case will carry or miscarry according to these its primitive premises. If this fact is fully admitted it will be seen that there is no basis for a common law save either in identical sensibilities or in a common spiritual intuition. If our feelings as forces impel us in different directions, no reasoning concerning them will bring them into one line, or give them the same force in that line.

BOOK III.

WE have now reached the practical branch of Ethics, a consideration of our primary duties. These may be divided into,

- Our Duties in relation to Ourselves ;
- Our Duties in relation to our Fellow-men ;
- Our Duties in relation to God.

The second of the three classes may be subdivided into,

- Our Direct Duties to our Fellow-men,
- Our Indirect Duties to our Fellow-men.

Our Indirect Duties may be divided into,

- Our Duties in the Family ;
- Our Duties in Society ;
- Our Duties in the State.

In each of these cases, duties are divided by the direction or form of the action rather than by the motives which call it forth. These motives may be much broader than the particular division and may extend into all divisions.

PART I.

DUTIES TO OURSELVES.

OUR duties to ourselves may be gathered up, by a comprehensive use of the words, in self-possession, self-cultiva-

tion and self-control. Though we may not always formally recognize it, one axiom everywhere underlies our discussion in morals:—Responsibility is commensurate with power. By power we understand immediate personal power, and also the conditions requisite for its exercise. A moral transaction receives its moral quality from the intellectual light in which it goes forward, and thus the same formal actions have great diversity of character according to the knowledge of the persons who perform them. Moral actions similar in appearance are only remotely alike in different persons, times and places. We constantly deceive ourselves by external characteristics, and greatly intensify or greatly reduce the moral element by interpreting conduct exclusively under our own type of experience. The interior, moral relations of conduct are profoundly altered when we pass from race to race, from continent to continent, from era to era. The moral horizon changes every moment. It is not therefore the experience of the individual that we strive to work out in Ethics; we labor rather to give a general and advanced statement of duties under the largest horizon now open to us. Single persons scattered over the earth's surface take up the problem of life oftentimes in a very obscure way,—yet none the less in a real and moral way—because the duties before the mind may be very few, or because they may be greatly misunderstood. It is just as surely an arithmetical problem to add two to three as it is to extract the cube root, and the one process leads to the other.

We are also to bear in mind that under the advanced

intelligence which a systematic presentation of duties implies, we have reached only a proximate agreement in language and thought.

Temperance, justice, benevolence, are most complex conceptions, and must be interpreted by a varied, intellectual and emotional experience. Every variation of experience will enlarge or diminish these vessels of thought. Even things so definite in office as the men of a chess-board have significance exclusively according to the skill and phases of skill in the players. We use words, and nowhere more than in morals, that may draw into them the wealth of the richest lives, or be impoverished by the poverty of the poorest ones.



CHAPTER I.

Self-Possession.

§ 1. BY self-possession is here meant that entering into his own life on the part of each one by which its responsibilities are fully assumed and its proper independence felt and maintained. It is neither self-cultivation nor self-control, but is the primary condition of both. It involves, in its external bearings, a large increase of that liberty which is so dear to man, and that self-support which is the condition and result of independence. A just independence is the germ of all manhood, since we can not otherwise fully exercise our powers or become our own proper selves. A self-love that shows itself in a careful maintenance of one's

centre and circle of life lies at the very basis of morality, for to this independent activity our duties are addressed, and from it they must proceed in fulfilment. This reflex action of the moral life in building up and strengthening manhood, indicates at once its self-poised supremacy.

The duty of self-possession will lead us at once to accept all industry and frugality that are requisite to plant and nourish our own lives. An unnecessary dependence in all its forms will be irksome to us, and we shall feel it to be as unjust to ourselves as to others. We shall therefore lay early and firm foundations of strength in hard, earnest, self-supporting labor. We shall scorn a parasitic life that is fed by the lives of others. Much life is of this nature that is not so regarded.

§ 2. This cardinal principle of self-possession lies at the root of many social questions ; for example, the rights of women. There are natural relations and dependencies which are not our weakness but our strength. There are many other dependencies which society has instituted and is busy in maintaining, which greatly straiten the individual life. We rightly chafe under these, and struggle to win back our birthright of freedom for the sake of our powers. Women's relations to the economic and political world are to be ultimately determined as right or wrong, according as they fully express or fail to express this cardinal condition of life, self-possession. In every degree in which they fall below this, they work mischief in a most radical, and therefore in a most extended form. A power to do, as a general principle, carries with it the right to do, and this

right is only to be limited by a manifest interference with the rights of others. We are always to remember that both custom and law have an irresistible tendency to impose unnecessary restraints on the individual, and that it is a large part of our labor to rescue our lives from this tyranny, innate in the early forms of society—to cast off effete limitations. When any class simply ask the liberty to be left to do constructively what they can do, it is a claim that can not be ultimately resisted.

Fashion presents an example of a very blind, troublesome and penetrative tyranny of society over its unfortunate subjects. Comfort, neatness, health and taste are frequently sacrificed to a stupid and outlandish fashion, whose authority has hardly more basis in reason than the mimicry of apes. It is true that crude states of society require crude restrictions, but the restrictions are always lingering beyond the state to which they apply, and getting a troublesome life of their own. We need emphatically in this direction to assert the right of self-possession, and the more so as many do not merely lose the proper control of their own action in the simple circumstance of dress, but through its cumbersome impositions find their whole active life greatly abridged. They squander their physical strength, waste their out-door enjoyments, and burden their daily action in submission to a social sentiment which it is their first duty to resist. There is a powerful concurrence of moral forces to break down this rule of fashion. Health, activity, culture, taste, all unite to urge that self-possession which gives free way to these claims. Fashion often neglects every

object which dress is intended to subserve. Dress ordered by it becomes inadequate, injurious, cumbersome, unclean and barbarous in taste. To bring back dress to its primary purpose of sufficient and convenient protection, and then to its secondary purpose of tasteful personal expression, would be a great moral victory of self-possession. No man nor woman who is played upon by the vanity of society can have this first condition of virtue.

The ramifications of this principle in society are many and comprehensive. Secret societies are, even when admissible in their purposes and methods, especially open to censure under this duty of full self-possession. A set of artificial relations are established, and obligations are incurred, which tend to prevent the free expression of the individual life, and to mar society as a common, wholesome, homogeneous atmosphere of social activity. The members of such societies are not left in the entire circle of conduct to their own affinities and conscientious tendencies, but are met with expectations and claims that may have no foundation in character. On the other hand, the excluded members find that the organizing process in society has gone on without them, and left them as remainders of unconstructed material. If good character and good purposes are not allowed an unobstructed way, the individual loses his power by a silent process of sapping. Self-possession on the part of each is the first condition of that free interplay which makes society a common and just medium of activity.

§ 3. The principle of self-possession which applies to our external and our social life, is not less significant in our

intellectual life. The duty of self-possession becomes increasingly imperative with every step upward. Our reflective and more strictly voluntary powers require to be momentarily called forth and placed in their true position in the government of our lives. This duty is so primary and so constant, that no other duty can be well performed without it. A sound and sober judgment must accompany and guide all right action. Stupidity which is the deadness of the intellect, and servility which is its enslavement, reach in its very fountains the moral life, and, so far as they are the fruits of negligence or are incident to wrong purposes, are fundamental faults of character. No duty can outrank the duty of that active intellectual life which makes duty possible.

The judgment, as guiding the voluntary life, needs to be asserted as against imagination, against the fixed associations of our conventional life, against appetites, desires and sympathies which are growing up without the correction of reason, and against opinions which refuse to be reshaped by the advance of knowledge. The judgments of very few men are trustworthy where their own interests are involved, when their own nation is concerned, when the familiar and pleasant things of their own experience are contrasted with things new and strange, when the creed of childhood or manhood is under consideration, when views long entertained are attacked. In the majority of the practical questions of life, the judgment is so hampered by misleading impressions of one kind or another as to make it profoundly untrustworthy. This is not self-possession. It is being

possessed by the passing accidents of life. If the understanding can not be trained to do its work fairly and well under all conditions, there is no sufficient preparation for self-guidance. The very instruments by which our measurements are to be made are incorrect. I know not how we can successfully enforce later duties till we accept in the clearest, fullest way this first duty of self-possession, an honest assumption of the conditions of a rational, responsible life. Closely allied with cautious and careful judgment is cool and clear statement, simple and proportionate speech. Language and thought are too nearly one to allow extravagance in expression to go unpunished. Soberness and exactness of thought are impaired when we have lost soberness and exactness of speech.

§ 4. The point at which this self-possession is most difficult and yet most needful, is religious faith and action. The ultimate questions of religion so transcend our senses, find so little explanation and confirmation in our individual experience, that we are peculiarly dependent on each other for that steadiness and firmness of faith which make religion either a power or a comfort in life. The truths, duties and hopes of religion are preëminently common to us all, and are to be shaped with definiteness, and sustained with strength for the mass of men only in connection with some form of social life, with rites, creeds, sects and churches.

While, however, it is true that no portion of our life needs the same extended nourishment from the faith of our fellow-men as our religious life, it is also true that no por-

tion in its inner self should preserve more isolation and independence. Duties, above all, religious duties, are pre-eminently personal to ourselves, and spring up under the nourishment of our own inner thought. The religious law, whatever it is, rests on *us*, and there must be found with us the reserved strength to understand and to fulfill it. The poise between external and internal influences is nowhere set to a more complicated and delicate equilibrium than in our religious faith, springing up as it must from the depths of our own spirits, enlarging itself as it must under all the current truth of our time, and expressing itself as it must in the form of a life realized in the midst of our fellow-men, in the most pervasive and closest connection with them.

Self-possession here is opposed to credulity—hasty belief—and to scepticism—hasty unbelief. These opposite tendencies imply the same weakness of the individual life. In credulity we believe more than we ought; in scepticism, less than we ought, while in neither is there shown the independent power of a constructive reason. If the one is excessive sensibility, the other is partial paralysis, and both are feeble states of the spirit.

Self-possession includes teachableness,—a profound estimate of the value of the collective convictions of the race, and of the insights of its seers. One of the first and most constant acts of reason is the wise selection of guides; but this fact does not alter the fact that under all instruction whatsoever, reason never waives its right to be instructed, to receive the truths offered to its own criticism and comprehension. This is the very substance of self-possession,

that the religious life, under the largest ministration, builds itself up in clear consciousness into widening belief and deepening obedience. Wherever one spiritually *is*, no matter what his creed and its concomitants, that point must be made the point of departure, the centre of growth. Unbelief and belief, the letting slip the old atom and taking up the new, must be one living process. The duty, then, of self-possession is one which constantly enlarges as we advance, and is no other than the preservation of those conditions necessary to the growth of a free spirit. Slavery, both of mind and spirit, has many forms and degrees, and they are all to be strenuously resisted so soon as they are perceived and felt.

§ 5. The self-possession we urge may seem to imply the rightfulness of suicide. Indeed, if we do not recognize any ulterior responsibility of man beyond that which he owes to himself, it will not be easy to resist this conclusion. Suicide more frequently occurs in utter neglect of one's relations to others, in sheer fear and cowardice before the accumulated duties of life. It is thus often but a dastardly desertion of those whom we have helped to involve with ourselves in disaster. An ideal life, however, as with the Stoics, may accept rarely the rare fitness of suicide. Life may have become, through incurable disease, worthless to ourselves and burdensome to others. The mental powers may be threatened, the battle of life may have been completely and nobly fought through, and its wasted veteran, by hardship of circumstances, be ready to fall into dependence and neglect. The feeling of the Stoic was that the

soul is the lord of life, and might decline the fortunes of the body if these were in danger of becoming ignominious. There is in this sentiment a manifest nobility. No great spirit will fail to have some scorn of life as mere life, or to feel that it can easily be purchased at too great a price. This is the self-assertion of the soul in all high natures, and leads directly to the creed of the Stoics on this topic, unless it is complemented by a belief in a wise, over-ruling Providence. Under such a Providence, suffering and patience assume a new significance. Life itself and its uncontrollable circumstances become to us divinely ordered conditions, and, like faithful soldiers we stand to our posts till released. Moreover, the Christian temper gives a dignity to patience that vanquishes all disparagements of poverty, and causes the most delicate and beautiful blossoms of character to spring up in the dank, dark places of life.



CHAPTER II.

Self-Cultivation.

§ I. SELF-POSSESSION is for the sake of self-cultivation. It would not be a primary duty to come into possession of ourselves, were it not for the ulterior duty of perfecting all the powers committed unto us. No duty can stand more clearly commended in its own light, than this of self-cultivation. If each person is not of great moment; and if each duty is not one which deeply concerns him, then the doing of good to our fellow-men must be of comparatively

little account. All good must minister ultimately to the good implied in self-cultivation, and so be defined in its value by it. If the units are nothing, the aggregate is also nothing.

This culture has three forms, physical, intellectual and spiritual; that of the body, the thoughts and the affections. They are not however separable. Each is cultivated for all, and all for each. Even physical culture can not proceed without constantly increasing intellectual and spiritual improvement. Simple brute strength and endurance are not the objects of physical training. The body is to be made a supple and dexterous instrument. If it is to be full of clear and benignant expression, there must be active thoughts and gracious affections to play into it and illumine it. Mere physical strength is the inert block of marble, in itself quite shapeless. The artist's power is at once and inseparably physical, intellectual and emotional. Our life can not be handled successfully till we understand its essential unity as well as its divisibility of manifestations. Its cultivation, therefore, is not to be by parts, but in the reciprocal ministration of every part to a prevailing type. It is not easy to make this truth quite clear, for there are very many types of a noble life, and none of us fully understand all the conditions of any one of them. Hence there is a generality partaking of vagueness and abstraction in our ideals, and in our pursuit of them.

The type of life which falls to one is settled by the powers possessed and the circumstances under which they are called forth; and that type of life, that it may be complete

and successful in its own form, demands a harmonious cultivation of faculties in reference to itself. The body must receive such training, and so also the mind and the affections, as will best sustain and enrich that special development. Both words may be emphasized. One's cultivation must *sustain* him in his own work. That work must be made fully successful as the cardinal condition of self-cultivation. More than this, the life incident to that labor must be enriched. The life is more than meat, while it is nothing without meat. First, the faithful securing of the conditions of any given type of life; second, the constant enlargement of it beyond its conditions, are the two general principles which guide us. We are thus most serviceable to others, richest within ourselves, and so most obedient to God. The type of life which we are to take up, so far as the choice is voluntary, is to be directed by similar principles. It should be that which best combines the largest service to others, and our own highest discipline. We are to remember that the two are ultimately inseparable; that culture will wear out without service, and that enlarged service gives the living incentives of generous culture. The usefulness of our lives is the frame-work on which all their beauties must cluster. The usefulness will in wise thought run before the training.

§ 2. The body in the trio of powers has had various vicissitudes. It has been scourged like a slave, neglected like a menial, trained like a racer, and pampered like a pet, and rarely has any tendency been wholly wrong. The ascetic temper in life has sadly mistaken its means, yet not

so mistaken them but that it has at times and in part reached its end. The artistic temper, far more pleasing and more wise, has yet failed of complete success, because of the indolence of the moral mood involved. Even the voluptuary in the wastefulness of his prodigality has found some real good. One or more veins in the rich mine of our nature have been open to him.

The general principles which are to guide us in the cultivation of bodily powers, will be seen most clearly and be most safely applied, if we begin with primary duties and proceed downward. Our powers and our position in the world assign us some beneficent work. We may either have found that work or be in preparation for it. If we have chosen our labor wisely in reference to our own interests and the interests of men, the cultivation of both body and mind must be subordinate, not to irrational ambition in it, but to reasonable success in it. If we are asked what is inordinate ambition and what reasonable success, we can only answer that we are each and all made thoughtful and moral beings for the very purpose of answering these questions, each for himself, in the infinitely diverse circumstances of life; that the field of morality and its primary force are found just here, in accepting and solving these double questions. These are the actual problems to be brought under general formulæ. All the principles of morality will help us in deciding what are reasonable and what are unreasonable ambitions.

Our highest duty, then, under self-cultivation, in refer-

ence to the body is to maintain it as a healthy and sufficient instrument in our daily work. This will involve an ability to meet the muscular and the mental strain put upon it. As these are both forms of expenditure and quite distinct from each other, they demand different physical conditions, conditions in part at least inconsistent with each other. We must choose somewhat between muscle and mind, and keep good our nutritive powers for consumption in one or other of these directions,—since we can not fully meet it in both. The temper of the ascetic and the voluptuary are inconsistent with either form of action; and the æsthetic, gymnastic spirit is only partially compatible with work either physical or mental. The simple truth to be borne in mind is, that good nutritive powers and moderate expenditure are the conditions of health, and that our labor, whatever its form, is to be guided by the one consideration, and our exercise, relaxations and enjoyments by the other.

When we remember how far clearness of thought, felicity of expression, justness and calmness of feeling, or excellence in the physical concomitants of execution, depend on the body, and are identical with its power, we shall prize its health as a first term in all large success. Nor is it of less moment when we consider it in relation to giving and receiving happiness. The invalid is constantly suffering, and constantly imposing, great limitations on life. We need in this direction to enlarge our sense of power and of responsibility. We hold not only the enjoyments of our own generation very largely under our control, but still more those of succeeding ones. It will be a small thing to

transmit institutions, and laws and customs and creeds, if we do not transmit the stamina, the solid physical forces, which must sustain them. There is here a critical culmination of duties, a supreme duty, by self-cultivation and self-control, to make physical health a fundamental gift to posterity.

While our first guide in physical training is the strain put upon us by the necessary work of life, we ought also to take into consideration under this, if circumstances will allow, a measure of artistic delight in the body itself, and develop in one direction or another that organic aptitude which makes the lithe limb, the dexterous hand, the discriminating eye, the quick ear, seem instinct with reason. The pleasures of a healthy body afford fitting and grateful interludes in life, fill the mind with new and varied impulses, and the heart with fresh and extended sympathies.

The body is a marvelous gift of God. It has in some sense been in building from the dawn of life. All functions, all instincts, habits, experience and intelligence have concurred to make it what it is. That so curious, so delicate, so ductile, so progressive, a mechanism should be put at our disposal, and one that holds in their passage the germs of so much life, is a supreme expression of divine trust,—the grand repose of the Kingdom of Heaven on the counsels and will of men.

§ 3. The second form of self-cultivation, is that of the intellect. We are apt to regard it as a thing of option whether we gain knowledge and strengthen judgment, while we feel a sensible pressure of duty in reference to self-con-

trol. This is simply because social growth and conventional sentiment first busy themselves with those dangers and those rights which turn on self-government. Evidently, the considerations which make it a duty to guide correctly our powers, make it also a duty to cultivate them. They are our first trust, that which is most exclusively committed to us. A spirit of faithfulness or unfaithfulness must immediately reveal itself at this point. Our duties to God, therefore, gather in very closely about the cultivation of our own inner life in which he preëminently is present to us.

Self-cultivation also in reference to others is the positive side of that duty whose negative form is self control. If we would not injure our fellow-men, we must seek for self-control; if we would benefit them, we must seek for self-culture. The community is enriched by what its citizens are able individually to bring to it. These are the centres of growth; when therefore we are estimating the duty of true self-cultivation, we are estimating the value of social development.

Now no growth in society can proceed far or safely that is not fed and refreshed in all its stages by sound reason. The co-equal and corrective term in all philanthropy, in all religion, is that intellectual enlargement which shall enable us safely to guide, expand and sustain our lines of action. All the cultivation of the mind therefore which is consistent with the immediate, practical duties of life, and especially that cultivation which we can carry successfully into them, become a duty.

We are wont to feel last of all the highest incentives,

those which most thoroughly include lower ones, and gather them in at a living centre. Each man should have a certain reverence for and delight in his own life, should desire to make it a separate source of strength, possessed of a light of its own. Thus only is he truly reverential, as he turns heavenward and reflects in his own bosom the love of God; thus only has he a home of pleasure into which he can gather the weary among his fellow-men; and thus only can the eye of conscience, the supreme insight of reason, range approvingly through the soul itself, putting forth its powers freshly in the vigorous spring-time of its being. We have our occasions of penitence, our grounds of humility, but these feelings are not to be a mildew, blasting all beautiful things in us.

§ 4. The last form of self-culture is strictly spiritual. This will at once put limits on every other form of discipline. An outside, objective life of usefulness, as opposed to one more interior and reflective, is the first condition of spiritual training. We must bear the fortunes of the world—its fortunes in our own time and just about us—in our hearts. We are to remember that no growth of the individual can greatly transcend that of the community, that its primary ministrations are to the community, from which it is to receive again the impulse that is to maintain it. It is this idea of spiritual or moral growth that harmonizes the delays, difficulties and disasters of life, and transforms them into patience, skill and love. We are as the engineer who builds his railroad through wild ravines and along the flanks of rugged mountains, and, bending

his work every moment, presses successfully on to the end, matching his powers with the powers about him. Pure intellectual self-culture becomes ultimately narrow and morbid. It knows more than it feels, and feels the selfish reactions of thought far more than its outflowing beneficence, or peaceful repose in divine fulness.

If the life is to be kept wholesome, it must empty itself hourly like a living fountain, and fill itself hourly with new waters. We must accept cheerfully the obstacles we encounter; thus the mountain brook is let down, sparkling and cool, under and over and around many a rock. A sense of divine ordination, of progress, of events immensely beyond us, yet within our reach and graciously inclusive of us, must thrust back fear and impatience, presumption and ignorance, and steady the mind to bear and wait and grow, full of the faith that the good time is so slow in coming only because it is so great, so grand, so abiding in all its conditions.



CHAPTER III.

Self-Control.

§ 1. SELF-POSSESSION is for the sake of self-cultivation, while self-control is its condition and constant accompaniment. The very notion of duty, of moral law, bears with it at once self-government. The two are inseparable. The moral law is present that we may rule ourselves, and we can rule ourselves because it is present. As we are full of unharmonized impulses, **control assumes the primary form of**

constraint, chiefly in reference to appetites, desires, passions and even in reference to spiritual affections. We generally fight our first battles low down on a physical basis; they are usually those of the appetites.

The first restriction put upon our appetites is, that they are not to be so indulged as to injure our physical health. This is the law on the negative side. It is better to maintain it on the positive side, and so to order our appetites as to make them immediately productive of health. We should not satisfy ourselves with not inflicting an obvious injury; we should strive to secure the best condition of bodily strength, and to bring forward our physical powers to their maximum efficiency. As the pleasures of appetite depend so much on the edge of appetite, this principle is one of prudence as well as of virtue. Our ordinary enjoyments should not be indulgences, but incident to full life. The negative form of the law comes in to regulate those occasional relaxations which belong to a legitimate freedom.

The appetites are physical and are first defined in fitness on their own physical basis, but they are also the appetites of a social, æsthetical being, and must submit themselves farther to the laws of taste. We may not feed like brutes though our food be wholesome. Such an indulgence as that in tobacco, if it is not clearly condemned under the first principle, as we believe it to be, it is so under the second; the constant offence of the impure breath and the stale odors which accompany it being a sufficient censure. No refined man will choose to make his appetites conspicuous to others, not to say obtrusive and offensive to them. The

beads of perspiration that stood on the face of Dr. Johnson as he ate were, or at least would be for us, a painful violation of the law of rational life.

Appetites also that are peculiarly dangerous to ourselves or to others call for corresponding restraint. An indulgence in intoxicating drinks is manifestly open to this principle. If we are quite sure that our habits in this respect are not physically injurious to ourselves,—a thing not easy to be certain of,—if we are equally sure that we ourselves run no risk of nourishing an appetite that shall become excessive, we may be still called on to deny ourselves an indulgence on account of the temptations to others which are incident to it. The statement of St. Paul, “If meat make my brother to offend, I will eat no flesh while the world standeth,” involves a moral principle which we can not overlook. If the supposition that we ourselves are incurring no risk in fostering an appetite, is correct,—and if it is not, the reason of personal danger should be quite sufficient to restrain us—it can be no great self-denial that we are called on to exercise in sacrificing a secondary pleasure in behalf of others. The stubbornness and astuteness with which the grounds of indulgence are defended may often indicate the secret and dangerous strength of the forces involved, and the immediate strength of the reasons that should make against the argument.

But an adverse moral principle may be asserted. It may be said that no man is at liberty to limit another's liberty on account of his own weakness. Certainly not. The concession must be a cheerful and voluntary one on

our part to his infirmity. It may be urged again, If we yield to all the infirmities of our fellow-men we shall have no personal freedom. True, but we are not asked to yield to all infirmities, but to a very general, a very great, a very urgent infirmity. Such questions are always questions of degrees. Yes, it is answered again, but by so doing I educate the community under a false law ; I substitute abstinence for temperance. But abstinence is simply the most necessary prudence to a large number of men, and accepting sympathetically their law distinctly in their behalf, we gain the mastery of love, and can bring its aid to those about us. The principle of concession to others can find no other application than in these cases of infirmity. If this claim were one of justice, our yielding to it would cease to be a sympathetic concession. If we reject it as a sympathetic claim, we ourselves shall suffer a profound moral loss.

There is a fourth consideration in the government of appetites, a consideration equally applicable in the restraint of passions and desires. If we are not sure that an immediate personal injury follows from them, we are to raise the question whether such an injury may not appear in the next or in succeeding generations ? By virtue of moral and physical inheritance, appetites that belong to the dangerous class are almost certain, at some point in descent, to slip the leash which a strong will in one stage may put upon them. We may transmit a tendency without its correctives. A subtle narcotic—as is at least suspected to be the case with tobacco—may work a physical mischief which it requires more than one generation to disclose.

It will be observed that these four principles are often accumulative, and also that the uncertainty that attends the application of one or more of them may be removed by the remainder. If we are not satisfied that a given habit injures us physically, we may be satisfied that its exterior aspect is not becoming; or that there are immediate dangers in it to ourselves or others; or remote dangers to posterity.

There is one other fit motive of action in reference to appetites, but one so inferior to those now urged, that we shall satisfy ourselves with simply mentioning it, and that is the expense involved. This motive enlarges its scope, if we recollect that since wealth expresses in part our social and our moral power, we should be slow to limit it by questionable pleasures; and still more so, as in the poorer classes a bad appetite may, in the expenditure involved, turn the balance against social progress. If the burden of two or three indulgences could be escaped, society would take on quite a new movement.

The appetites are divisible into natural and artificial. The artificial appetites have two characteristics; they are not implanted in the constitution; the substances which give rise to them may be positively offensive. This distinction is not constant. The second is much more important. They beget an abnormal physical state, attended with a constant longing, and if indulgence is withheld, a very uncomfortable longing. Their sway almost from the outset becomes a bondage, which we should decisively reject under the principle of self-possession. All narcotics, tobacco, opium, hasheesh, absinthe, and all powerful stimulants, are

of this character. As stimulants may act in a great variety of ways and degrees, we can here pass, by a sliding scale, from results very abnormal to those quite wholesome. We may insist that food and coffee and tea and intoxicating drinks are all in the same category. No wise man will be embarrassed by this confusion of degrees. We may travel in many directions by very short steps the entire space between things profoundly distinct. The designation on the whole of unnatural appetites holds, and holds with profound significance. The inebriate and the opium-eater are diseased men.

The complete guidance of the appetites in all their forms is the virtue of temperance. There is one form of it which should be enforced by peculiar considerations, that of purity. The motives to virtue at this point are of a very high moral order, but are likely for that very reason to seem very remote and obscure to the tempted. Though the incident physical evils are great, the social and spiritual ones are infinitely greater. Purity is a law of the spirit even more imperatively than of the body. The inner state begotten by impurity, in its insatiate appetite, its selfishness and debasement, its moral degeneracy, is more to be dreaded than that which attends on any other vice. What a disease of the nervous system is to the body, carrying disorder and irritation everywhere, is impurity to all human ties. Owing to the subtle character of this law and its primarily social aspect, it, above all laws, calls for the enforcement of social sentiment, and above other moral laws receives its immediate energy from it.

The conventional sentiment which enforces purity has had a most tedious growth, is as yet very incomplete and is still subject to violent attacks and spasms of weakness. Even recently, the legislation of England and city ordinances in our own country, have been disgraced by acts most indecent and flagrantly unequal in their regulations, and in open violation of the first principles of personal safety. And these acts have been carried through under pretence of a danger that does not exist,* and with a haste and silence ostensibly referable to the delicacy of the topic, but really due to a purpose their abettors were unwilling to expose. This has always been one of the defences of impurity that it steals the decorous words and forms of purity, trusting that the pure will not for very shame tear off its disguise.

Certain bearings of duty we need to impress on the mind in reference to sexual purity.

(1) It holds a central position in all human relations. Impurity is a corruption of the blood, carrying weakness and defilement everywhere. The spiritual strength of the race turns on purity; impurity is the gangrene of all social life. (2) The unfairness of public sentiment on this subject of purity is most observable. We would hardly wish, considering all the interests involved, to soften its most severe and persecuting judgments, but we would wish that guilt might be visited on the guilty, shame on the shameless, implacable infamy on the heartless, and that those whom

* See Discussion of Acts Pertaining to Contagious Diseases, Spencer's Studies of Sociology, p. 84.

the laws of nature have already burdened, should not bear off alone into the wilderness the unrelenting curse of men, as if it had been laid on their heads with holy hands. (3) The present phase of social sentiment and morality on this topic is, in reference to the past, a "survival" from that period in which women were the slaves of the appetites of men; and, in reference to the future, a transition to that state in which in the presence of a great danger we shall have courage to accept fairly each his own duty, and despise that cowardice which bestows all censure on the weak. (4) Our true moral remedy is not found in extenuating impurity, or hiding it under pleasant spiritual phrases, but in searching honestly and justly to the root of the evil and bringing home to all the entire conditions and duties of purity. (5) There should be no sufferance granted to those who weaken the social sentiments which guard the inner life of the household, and yet have no holier and stronger moral law to put in their place. It is these sentiments, partial and cruel as they often are, that block the wheels of society, ready, while the moral powers are at rest, to roll back into the slough of licentiousness.

§ 2. Passing the physical appetites, the second circle of our nature, full of incentives waiting to break bounds, is that of the desires. The danger in this direction is now the more marked because this is the era of the desires. The appetites are under censure, but the desires are cherished almost without rebuke. The desires are born of civilization, and the first effect of civilization is greatly to amplify and inflame them. The love of power, of wealth,

and of honor and even of knowledge, as accompanied by these lower impulses, not only easily become excessive, they become so excessive as to make the life as sapless and fruitless as if it had been fed on by an appetite only. The movement is slower but hardly less certain. The love of power renders the spirit cruel and exacting; the love of wealth makes it blind and dull to every finer sense; the love of honor takes honor out of it, exhausts it of magnanimity, and leaves the rind of a fruit that has rotted at the core.

Each of these desires deserts the very centre of life, and while pushing outward loses strength and integrity within. Power pursued becomes more and more physical force, less and less the generous mastery of mind over mind. We see at once that avarice shuts the doors of enjoyment in the face of its victim, and drives him on to new labor by a promise that is never to be fulfilled. We pursue wealth because of its purchasing power, and when we store it up we waste this very power. The following of honor is the pursuit of an echo at best, the echo which an appreciative world is thought to throw back on virtue. But if the echo itself be not a lie, the creative voice is already with us and has little need of the reverberation.

These desires furnish the impulses by which the race is carried through the first stages of civilization, and hence all activities, all gratifications, the sentiments of our social life unite to keep them burning. But as civilization itself is not ultimate, neither are the desires it kindles. They are only helpful as they give the conditions or accumulate the mate-

rial which a broad and beneficent spiritual nature calls for. While, therefore, the forms of activity must turn on the desires, the products of that labor should be wrought up into character, and the desires be checked at the point at which they war against spiritual insight or spiritual sympathy. As the nourishment of the body is an occasion of a large share of our exertion, yet the life remains more than meat ; so the desires furnish the incentives of industrial activity, while the spiritual nature continues the true consumer of all products. We seek power, but it should be power that bends always to beneficent uses. We acquire wealth, yet let it be wealth that flows as life-blood in all sympathetic channels. We love honor, but it is because honor in every pure mirror is the reflection of the spirit that looks into it.

This subordination of desires, admirable in their own activity, to the general poise and power of the entire manhood is a duty of the most subtile and pervasive character. No rules will sufficiently enforce it, for it involves each instant the freedom of a vigorous spiritual life under a thousand phases. We now deem it enough to straiten our desires by economic and civil and social laws, but only because the inner, nobler, diviner law is not present to our thought.

§ 3. The passions next present themselves for constraint. These are the intellectual offspring of the desires, and often add their force to them. Pride and vanity are the concomitants of powers and possessions, gained and held under the eyes of our fellow-men ; contempt, impatience, anger, jealousy, envy are called out by the jostlings of our social life.

These and other passions imply an intellectual survey of the field in which our desires are pushing on to their fulfilment. As the desire is primarily self-seeking, the passion, its intellectual companion, is, at best, indifferent to the good of others and easily becomes malignant. The government of the passions is closely associated with that of the desires, and this relation is a chief reason for enforcing that duty.

The malevolent impulses in human nature are incident to the desires, as the benevolent ones are to the moral nature. While we can not instantly root up the wild passion, we can, through well directed desires, themselves incident to rightly chosen objects, slowly draw from it its nourishment till it dies out of the soil. A passion is a violent flow of the emotional life from which those who are subject to it, and all about them, suffer ; but the conditions of this tide are furnished by intellectual and voluntary elements. A correction here carries with it a correction there also. The passions are not so much primary parts of nature as perturbations occasioned in it by transgression. As these disturbances of passion, strengthened by habit and made firm by descent, assume the force of essential portions of our constitution, they demand for their entire elimination a correspondingly protracted and complete discipline. Moreover, they often have an affinity with spiritual affections which confuses our estimate of them. Anger may take the guise of indignation, pride of reasonable self-assertion, and vanity of deference to the opinions of others.

We come, then, preëminently in the control of the passions to a principle in force everywhere. Self-government

can not greatly prosper when it is primarily of a negative character. The irritable self-consciouness evoked by such discipline is itself unwholesome. This was the great error of asceticism. It was an effort to make a fruitful garden by pulling up weeds. Life must be displaced by life, the lower by the higher. An outward activity which partially forgets itself, which lets many things grow together till the time of the harvest, is more wholesome than constant introspection. It is only the positive power of a spiritual life that will first soften passions, then subdue them and then turn them into the quiet flow of moral sensibilities.

There are many secondary motives besides this primary one, the integrity of the spirit, which are present for the restraint of the passions. The mind is blinded by them and made untrustworthy, opposition is provoked, respect is weakened, affection cooled and detraction encouraged. They thus lay a heavy and a gratuitous load on us in every line of effort.

§ 4. There is one very legitimate and desirable form of action that constantly perplexes society on account of the want of self-control, and that is amusements. We suffer at one time a severe Puritanic spasm, and then in reaction we fall off in excesses, till the reasons for restraint are once more made good by disobedience. Our censures are often ill-bestowed. The very gains which have been the product of past restrictions become the reason for pronouncing them absurd. These gains may be a just reason for relaxing the rule, but not for holding it up to ridicule. If we do this, we shall very likely find occasion to renew it again.

Amusements must not only be innocent in themselves, they must have zest enough to occupy and delight the mind, yet without wearying it or debauching it. Herein is the difficulty. To the average mind innocent things are apt to be tame things. There must at least be in them the possibility and temptation to excess. As the hour of amusement is also the hour of moral relaxation, this danger becomes the greater. There is no final remedy for it. (1) Amusements are not as a rule good or bad absolutely, but according to the purpose they are made to subserve. (2) The element of temptation will never be wanting in them. We must meet it in each case according to its present nature and force. (3) Those amusements are good which exhilarate body and mind, and leave the one fresh and the other untrammelled. (4) Amusements being bad in proportion as they fail in either of these particulars, the question of fitness, as in reading works of fiction, will most often resolve itself into one of degrees. If we refuse to accept and apply a sliding scale of duty according to the case we have to deal with, we shall be very coarse, clumsy moralists. The limits in moral excellence, like those in painting, are limits of delicate shading. Mathematical rules are as narrow as they are exact.

We can not tell beforehand from what unexpected quarter restraint may come. Hunting and fishing have some admirable features as amusements, yet the sensitiveness of the spiritual nature, its sympathetic fellowship with all living things, are sure at length to put in against them an absolute protest. We can not be wanton in our sports, nor awaken in them the half-sleeping savage.

PART II.

OUR DUTIES IN RELATION TO OUR FELLOW-MEN.

DUTIES are intellectually the product of a rational insight, and are enforced and sustained by a variety of spiritual feelings. The duties we owe to ourselves are not entrusted to the self-regarding feelings only, nor those we owe to others to the sympathetic emotions alone. The law of right is the ultimate law which rests with modification and combination on all lower impulses, and weaves them in as constituents of its own order. Many motives concur in righteous action, whether its object be our own good or the good of others, and these ends no longer separate themselves but are harmoniously combined in their bearings. We mistake our own good when we neglect the good of others ; or if we pursue the well-being of others in oversight of our own well-being, we soon miscarry in our primary end. The law of righteousness is the supreme law, and as such harmonizes all ends. Each duty then is sustained by the whole retinue of just judgments and just feelings.

Our duties in our relations to our fellow-men are divided into two classes ;

Our Direct Duties.

Our Indirect Duties.

Our Indirect Duties fall into three classes.

Those which arise in the Family ;
Those which arise in Society ;
Those which arise in the State.



CHAPTER I.

Direct Duties to our Fellow-Men.—Justice.

§ 1. JUSTICE is a word of constant and forcible use in human affairs, but one ill-defined, and hence often playing an illogical part in an argument. There are certain fields of thought to which particular words are—when we seek intelligibility—properly confined. Though they may often in use travel beyond these fitting bounds, we do well to indicate anew the interior dependencies of thought, and to restore our language to that restricted service which is essential to all clear thought. Justice has the range of the moral field, and is put in the speech of one or another for almost every form of right action between man and man. There are, however, comparatively definite bounds to which it primarily belongs, and within which, if we are to speak perspicuously, it must be confined. If we carry it out of these limits, and still use it with the vigor of meaning which properly attaches to it in them, we are sure to be misled.

Duties—and so rights which accrue for their fulfilment—are the immediate product of our moral nature. These rights attach directly and independently to each moral agent, each man. They have, however, to be harmonized with each

other. While it is difficult practically to accomplish this, owing to our narrowness of thought and selfishness of feeling, there is no theoretical obstacle in the reconciliation of rights, since it takes place under a single supreme law whose very purpose it is to contemplate all the data, individual and social. Individual and social interests arise under one law of right, and can therefore be adjusted by it.

We shall have occasion later to consider fully the principles under which this harmony appears. Our present purpose is met by supposing each man to be possessed of a circle of rights which belongs to him in the fulfilment of his duties, and which leaves to other men corresponding circles more or less nearly equivalent to his own. If these areas of action are completely and correctly defined in each instance, any breaking in on them by one or another is a violation of rights, is an injustice. We may define rights as those liberties of possession and of action which belong to a man under the law of morality when taken in connection with his fellow-men. Justice then becomes the maintenance of those rights. Complete justice would involve that respect which would prevent their violation ; in human society, we are compelled to extend it so as to cover methods of reparation and punishment. That is to say, justice takes up each set of facts actually existing as a new problem, though the problem itself may have arisen in consequence of injustice.

The chief function of the state is a definition and protection of these rights. As it does this work by law (*jus*), justice pertains, as indicated by the derivation of the word, to the administration of this law. It assumes at once, how-

ever, and properly, a broader bearing, and, as far as government is concerned, covers these points ; the fitness of the government, the fitness of its exact limitations, and the integrity of its administration. This is the central field of justice, which will be better understood when we have spoken of government. But if this is the more marked and visible centre of justice, it is by no means its entire circuit. There is a penumbra of justice which lies without the shadow of civil law.

Rights arise independently of civil law. They help to define it and are not primarily defined by it. (1) Rights are more extensive than laws. Laws can only express and protect the most necessary rights. If we respect only those rights which the state has defined, we shall trespass constantly on our fellow-men. It is a great and common error in society to measure rights by existing laws, and so put the civil code in place of conscience. There may, for example, be many kinds of dishonesty and of annoyance from which the state can not protect its subjects. Nor is it wise for it to make the attempt.

(2) Again, the state early busies itself with violated law, while conscience expressed as justice requires that the law remain unviolated. Here again men often substitute the outer, partial expression of justice for the inner and complete law—the remedy of disease for the conditions of health. They are apt to think that law may at least in some instances be fulfilled by accepting its penalty ; that observance and punishment, a duty and a fine for its violation, constitute an alternative, either branch of which may be taken.

(3) Law is very clumsy in its provisions and very clumsily administered from the nature of the case, and hence it is but a feeble expression of perfect justice. Individual perception of rights and respect for them should be much more complete than is indicated by the inflexible provisions of civil law.

It remains, therefore, true that rights are broader than laws ; that a perfect respect for them is quite in anticipation of law, and that the remedies of law are in their administration but very partially just. Hence civil law is no sufficient guide to rights, but generous rights and a keen sense of justice under them must be established in the mind and heart of every good citizen as the groundwork of social good, and a preparation for the administration of the state. This administration, so far as justice is concerned, is the very insufficient remedy for the moral evil of injustice prevalent between man and man.

§ 2. The point we wish strongly to make is that justice pertains to rights, and to them only. Justice always, therefore, constitutes a claim between man and man, or between the citizen and the state ; primarily in the first relation, secondarily in the second relation. As, however, the state and the laws of the state are themselves new facts, they may somewhat modify the actions of individuals under the primitive law of justice. When our rights have been defined by civil law, we can not absolutely neglect the definition though it may be an incorrect one. This involves a point, to reappear later — the concessions in moral action to be made by the individual to the state.

The present point is clear, that an individual sense of justice is to run before all civil law. It is sufficient to hint at a few directions. Life, property and reputation are chief objects of solicitude in the state. We have rights in reference to each which extend to a claim for a constant and reasonable consideration of these our interests in all actions of our fellow-men affecting them. A man is not only not at liberty to administer to us poison, he is not at liberty to sell us unwholesome food and adulterated commodities, to make impure the streams from which we must drink, or to defile the air which we are to breathe, or to reduce our light, or needlessly mar our prospect. As there may be in reference to these and kindred points a variety of interests involved, those of the agent himself and those of others affected by his action, there is need of a keen, candid inquiry into claims, and a respect for them all. As this inquiry is often perplexed, and has usually been prosecuted most thoroughly in connection with civil law, we must frequently be guided in the conflict of obscure interests by the law ; both as itself approaching justice and constituting a well-known rule of justice. Yet we are never at liberty to make the mistake of supposing that the law defines our obligations, and so overlook the more intrinsic and primitive claims of our neighbor to fair dealing.

The law steps in to protect one in trade when he is not supposed to be sufficiently protected by his own knowledge. We are bound to go much further than this. Dishonesty in all degrees and toward all parties is censurable under personal justice. If we are dealing with shrewd men, our

obligation is not the same to know and consider their interests, that it is in dealing with the inexperienced and ignorant. The moral law is not an impracticable but a practical one, and is satisfied with reasonable efforts. It weakens the law of righteousness to overstrain it.

Our attention is apt to be limited and our opinions narrowed by the enforcements of civil law and commercial sentiment. What the community regards as cheating we avoid, and go no farther. Hence transactions of precisely the same moral nature as those rejected are entered on without a thought of wrongfulness, simply because they are common. We need therefore to awaken afresh our sense of justice in the direction of honesty.

(1) Our business itself should be honest; that is, it should render a valuable product for the products we receive, a real service for the services we accept. We may not say, it is sufficient if our neighbors wish what we have to sell. This is commercial law, not morality. We are not to buy bread, clothing, instruction with a product that carries in return hunger, rags and ignorance. This is a part of our concern, that for good we render good, and justice will not excuse us if we escape the law under the appetite of our neighbor any more than if we escape it under his ignorance. We should here add nobleness to justice, and should desire to make a large return for the good we are in every way receiving from our fellow-men. We should strive to bring up our work to our best capacity, and to the best intrinsic standard. A worthy business worthily pursued plants one strongly on the basis of personal justice.

Any failure here leads insensibly to a series of failures. A just principle in amusements appears at this point, to wit, that it is unworthy of us to pay one to do what on the whole it is unworthy for him to do.

(2) There is also much in the general methods of trade which is not to be overlooked by justice. Moderate gains, slight risks, prompt payments, are directly or indirectly the constant conditions of commercial justice. The uncertainty of obligations is a cruel infliction on all concerned. The delay and danger involved are greatly unjust and often do the mischief of absolute dishonesty. A sober, exact, responsible method is an indispensable condition of commercial justice.

(3) There are customs which may have arisen from dishonesty which we may not be able to correct. The number of yards on a spool of silk may have long since been reduced below the first standard, or the quality of a commodity have so hopelessly sunk beneath its mark as to have carried its mark down with it. The law wisely applied does not make one nervous over the impossible, but incites him to hold good in quantity and improve in quality all that passes through his hands. In short, justice puts constantly into scales the interests of all parties in each transaction, and weighs them afresh.

§ 3. There is an inner circle of emotional and intellectual activity, whose freedom is far more complete and certainly not less valuable than that which pertains to persons and property. Any needless trespass upon this activity is a violation of rights. To impose one's opinions upon

another, to demand assent to a creed, is an invasion of the field of duty at its very centre, is the subtlest yet the most sweeping injustice.

Personal abuse, detraction, ridicule, when unprovoked, or when they proceed beyond the provocation, are a spiritual trespass, which is disguised from us only by the rudeness of our lives.

Feeling is preëminently the seat of injury, and that we may greatly resent an indirect attack on it through property, and yet have no rights in reference to a direct assault, the wanton injury of words, would be a strange doctrine indeed. We are no more justified in overstepping for injury the bounds of courtesy than we are in passing those of property for the same purpose. Each is a trespass. This field, from its subtle nature, lies chiefly outside the range of civil law, and this fact leads us to underestimate the wrong done.

The law of the state does, indeed, strive to protect its citizens from slander and libel. It does it under the convenient fiction that a good reputation is a kind of property which properly belongs like goods to the owner. Our sense of justice would be more penetrating if we sustained it at once by an affirmation of our full spiritual autonomy. Reputation, like the good-will of a trade, is an incident to personal character and effort, and has directly an emotional value, and indirectly a money value. The attention of the civil law hitherto has been primarily directed to this latter fact, and has not allowed the truth of the statement asserted in the libel to be brought forward in all cases as a complete defence. There must still be shown some suffi-

cient reason to justify the statement. The libel was considered as a trespass, and must neither be careless nor wanton ; it must find a legal ground in its moral purpose. It is the more fit that the state should regard a libel as a pecuniary injury, since the redress it brings is expressed as damages in money. But if reputation is a species of property, men may not trespass upon it simply because of some defect in the title.

In the progress of liberty this doctrine has been softened. It has been felt, especially in reference to public men,—a class greatly enlarged in republics—that a knowledge of character is of high interest and value to the public, and that no restraints must be put upon speech or upon the press which would interfere with the broad responsibility of the citizen to his fellow-citizens. The public, having established itself as censor and judge, must have the means of carrying on its avocation. As a just principle underlies this feeling in the case of public officers, the freedom of the press has easily gained extension much beyond the limits of justice. The libel must now be of a pronounced character, and the truth of its statements finds easy admission in defence.

There has thus come to be a wholesale violation of social, spiritual rights in our daily press. The private citizen is treated with great injustice—an injustice for which there neither is nor can be from the nature of the case a sufficient redress under law. What a ruthless nobility in their hunting sports were to the peasantry, overriding their enclosures and trampling down their crops,

are the Bohemians of the press to private life. Things true, but in which the public has no proper concern and private parties have a tender interest, statements much perverted or wholly false, facts whose exposure in detail is not simply unnecessary but a public injury, a social pestilence, all find way in the daily press, till in some instances it becomes an open sewer offensive to all senses. Social life is thus made coarse and vulgar as well as vicious. This carelessness in reference to truth, this disregard of private feelings, this publicity given to things indecent, are an abuse of the principle that every citizen has responsibilities to the public to which he may properly be held, and that the press is the organ of public censure and praise. The press is still full of the wantonness of unaccustomed liberty, and constantly and aggressively overpasses the limits of justice. Private character should have walls of sacred enclosure, as close and firm as those of the citizen's house, not to be broken in on without decisive warrant in the public interest.

An act of injustice is always a wrong to the party who suffers it, and gives him a ground of moral complaint, if not of legal action. It lies, therefore, only between parties who trespass on each other's rights. Between a parent and a child there is no injustice so long as the discipline of the parent is wisely directed to the end of nurture which defines the relation ; nor between God and man so long as the end of discipline which unites them is secured. Though we may hesitate in reference to the character of some acts, the field of justice as a whole is well-defined, and quite within that

of benevolence. If we are unjust we have neglected a positive claim, and done a personal wrong; if the claim has been covered by civil law, we have done more, we have committed a crime.



CHAPTER II.

Direct Duties to our Fellow-Men.—Veracity.

§ 1. WHILE the duty of veracity is directed to our fellow-men, it is sustained by a variety of considerations. We shall speak under this head, of truthfulness,—the communication of facts to our fellow-men in the form which we suppose to be correct—and also of that truth-loving temper which makes us anxious to arrive at the facts which bear on human action, both for our own sake and the sake of others. This disposition of mind is the proper root of veracity in speech.

Truth is the correspondence of a statement with the fact it covers; truthfulness its correspondence with the conception of the fact in the mind of the person who utters it. Truthful language may not, therefore, be true, and true language may not be truthful. One may misapprehend the fact and give his apprehension of it; or he may state the fact correctly, supposing the statement incorrect. Truth is more objective, truthfulness more subjective.

As all human action to be wise and successful and broadly moral must rest on facts, and run parallel with them, a knowledge of the facts becomes a first necessity of

rational conduct. We must, from the nature of the case, be chiefly dependent on our fellow-men for an extended knowledge of facts, hence truth-seeking and truth-speaking become a primary condition of social and individual progress. Our own development is locked up in that of the race, and an enlargement of the domain of knowledge by seeking truth and speaking truth becomes conditional to growth. Hence we owe truth in a very profound and thorough way to others and ourselves. Truthfulness is the law of our social life, of our life.

We owe it also to the inner integrity of our own spirits. The office of the reason is the search after and the use of the truth; the office of the conscience is the enforcement of fitting action under the truth. The ultimate safety of all lower interests depends on the fulfilment of these higher functions. Thus our nature in its whole range of rational activity, of duty and of interest, demands the truth-loving spirit. Its integrity can in no way be preserved without it. While, therefore, looking outward with the utilitarian on the results in society of falsehood, we enforce veracity as a duty, we also, looking inward, see it to be enclosed in our rational constitution, as the very law of our own life, without which we can not for an instant preserve our spiritual integrity, nor long secure our physical safety. Veracity thus becomes to the reason its own directly recognized law. The same conclusion is pressed upon us as the will of God. Our own constitution and the constitution of society are that will. As deeply as truth is wrought into them, so plainly is truthfulness the will of God concerning us.

If we designate by veracity the inner faithfulness of the mind itself to truth, and by truthfulness the carefulness of its expression in speech, it is evident that veracity is the fundamental virtue of which truthfulness is the natural out-flow. We will consider them separately.

§ 2. The desire for exact knowledge has been greatly strengthened in the past century. The scientific tendency of our time is its expression. When not itself directly a moral impulse, it has close moral associations. A large outlook on the facts of the world is a most necessary preparation for a wholesome, useful and upright life. Our work for others and for ourselves must be guided by it. The exactness and thoroughness of the scientific method are nearly allied to the scrupulous painstaking of the moral nature. Science also seeks that simple, proportionate statement of its facts which makes language transparent and truthful.

The moral and religious nature goes farther. When fully expressed, it does not rest in an intellectual possession of the truth, but is primarily interested to rule the conduct, build up the character and nourish the feelings by it. This impulse, while gladly availing itself of the keen researches of science, estimates truths primarily as they bear on human action and become the ultimate frame-work of manhood. It feels therefore habitually the binding force of all pertinent, moral principles, and busies itself with obedience. It thus reaches the inmost spirit of veracity, holding truth at its highest value. The feelings as well as the thoughts find their inheritance in truth, be-

come more and more conformed to it, and in turn yield it to the growing spirit in its most poetic and inspired forms. The life is not simply guided by the light, it is transfused and filled by it as a perpetual presence. Speech thus becomes not merely exact and careful, as in performing a service, but rich and full like words of love that have great treasures behind them. This inner knowledge and use and enjoyment of truth must be the seat of that complete veracity that never thinks of seeking or giving any thing but truth.

§ 3. While truthfulness in speech owes its chief moral significance to truthfulness in thought, it often receives enforcement on a much lower plane. The immediate interests of men call for veracity in speech, and hence it is directly insisted on by conventional sentiment. This sentiment, as is its wont in dealing with moral principles, modifies the duty and enforces it to suit the exigencies of the time. The law may be made very vigorous in one direction and very lax in another. A lie on the lips between neighbors may become an irretrievable disgrace, while the conduct is habitually controlled with reservations and misleading appearances. Polite society is especially liable to become quite heartless in its use of the law of veracity, and to give it a very narrow, verbal interpretation, nor always even that. The English have above other nations broadly enforced truthfulness, yet even by them the epithet, liar, is often more feared than the lie itself.

Here as everywhere in morals, we can not accept local sentiment as any sufficient expression of the moral law,

but must strive to penetrate to the spirit and inner power of the principle. In veracity, as we have seen, the first element of this power is the loyalty of our rational nature to its own guiding light, truth. Hence when a confession of faith is called for, it must be made even at the cost of life. This feeling would carry us farther, and lead us to a frank expression of opinion on all fitting occasions, knowing that the beneficence of our lives lies largely in their habitual radiation of truth. We shall not find ourselves at liberty to hide our inner light—to put it under a bushel. There is one important qualification to this duty. We are to judge our language, not merely by what we wish it to convey, but also by what we have reason to believe it actually does convey. If the mind of the listener is therefore in a position which leads him to greatly distort or wholly to mar the truth we wish to communicate, we are not bound to subject it to this perversion. To do this is to cast pearls before swine. The general conviction is nevertheless to go with us, that we hold truth as our own best treasure, and are to dispense it with a most tender, careful and liberal hand.

§ 4. The second element of faithfulness is that expressed in the word truthful, a correct rendering in speech of the daily facts of life. Men first enforce this because it is most immediately useful to them, but it can only follow fully and freely from the more comprehensive principle. Indeed, we may, in some cases, fall into an abnormal conscientiousness in the use of words, feeling impelled, not merely to shape them honestly under the truth, but to

watch them carefully lest any misleading cross-light may fall upon them. A healthy moral tone needs to be sustained by vigorous common sense that pushes aside secondary obstructions in the pursuit of sound ends.

(1) It is not true, we apprehend, that there is one form of action only which is right, and that the least departure from it is wrong. We are bound to integrity of purposes and to reasonable diligence in their execution. This diligence will admit of many degrees, and all of them be good that escape indolence on this side and teasing anxiety on that. We may find that our words have been unexpectedly misconstrued and, in the embarrassment of the moment, or for some slight reason, fail to correct the impression. Points of discretion will arise under the utmost integrity. Sometimes a thorn should be left to work its own way out; sometimes it should be cut out.

(2) We are not bound to tell all the truth, even to parties interested in it. This, too, is a question of discretion. We may remember and should remember that life proceeds constantly on wise reservations, and that we may often "tarry at home in our own thoughts." Our actions should be frank and open; the work of interpretation is another's, not our own.

(3) The sentiment seems to be just that the law of truthfulness rests more stringently on words than on action. The ostensible purpose of speech is to convey truth; actions have other ends in view, and their communications are only inferential. To these inferences of our fellow-men, we can not be closely bound. It is sufficient if our pur-

poses are straight-forward. Our action has also its conventional, legitimate disguises, which we may freely accept. We adopt the language and customs of courtesy without ordinarily trying to correct their form. To do so may often be simply uncomfortable—a mischievous straining at gnats.

(4) Falsehood is said to turn on the intention, and the word to be applicable to every intention to deceive. This statement needs limitation. There must also be a just expectation on the part of the person addressed that truth is to be expressed or spoken. The strategy of war and of the mimic war of many games is not falsehood, because it is intended to mislead. Moral laws do not suspend reason, they arise under it and are to be executed by it.

(5) Truth and falsehood can only lie between rational beings. We can not tell an animal a lie, though we may deceive it. We can not speak a falsehood, otherwise than in mere form of words, to an insane person. We can only offer truth to a mind capable of receiving it as truth, and we can only withhold it from such an one. We are dealing with sense impressions when acting on the bodily organization alone, and the only question concerning them is their utility, not their truthfulness.

(6) The utilitarian is not able, as Sidgwick admits, to regard the law of veracity as absolute. It seems to us it must be regarded as absolute in all cases in which it actually applies. No man with a quick moral sense, can distinctly disclaim the truth, or escape danger under a lie, without a sense of shame. The wound is in himself. To allow a lie to be wrenched out of him is to fear suffering

more than sin. It may under trying circumstances be a venial fault, but the way in which we accumulate the pressure in the supposition by which we justify falsehood shows that we are dealing not with principles that suspend each other, but with circumstances so stringent as to break through principles without abolishing them. The honor we render to a fearless holding fast the truth shows the same thing. Theoretical, ingenious and trying circumstances may be devised by which to test the strength of truth; practically the law is usually simple and plain. Nothing in morals is more liable to be misleading than a calculation of the results in usefulness of a lie. We can never determine the chances of detection, and we are sure to be misled by them. Events have so many and so broad circuits, and reappear in results so remotely and so unexpectedly, that every promise of concealment is to be distrusted. Yet these promises are in the outset so plausible, that the tempted mind is sure to believe them. The usefulness of a lie must be greatly affected by its detection, and will usually turn on it.

The detection is always possible; and much more probable than we think it. Moreover, what is it but an independent moral sense that converts every lie, the moment it is discovered, into a disaster? Is it not, prior to its discovery, a disaster in the bosom that entertains it? Does not a lie, therefore, so far as it is present as a lie, first in the mind of the perpetrator, and later in the minds of others, reveal itself as a rationally hateful moral fact, scorned as such by the spirit itself, and sure, when known,

to bring the scorn of others? In Utilitarianism, veracity is a general principle to be weakened or removed by adverse circumstances; in Intuitionism, it is a law of our rational life to prevail over circumstances. It is of the nature of fidelity, which finds in danger its occasion for triumph, not its reason for treachery.

A great deal of human happiness and human suffering may rightly enough be expressed in money, since all of us sacrifice very much of the one and endure very much of the other in its pursuit. But if the good expressible to-day as one thousand dollars is to be gained by a lie, will not half that sum to-morrow have sufficient representative value for the same purchase?

§ 5. A promise rests on the veracity of the promisor. An expectation of advantage in the mind of some one hinges on his truthfulness. There are here two additional points of interest, one of justice and one of interpretation. The claims which each of us has for truthfulness in ordinary intercourse on his fellow-men is one of justice. If we propose to use the facts asked for to the injury of others, or if their impartation involves any particular labor, or carries with it any distinct value, as that of a recipe, we have no claim for them under justice. As, however, we are all daily sharers of the advantage of truthfulness, as it is a general condition of prosperity, we come under a common obligation to each other ordinarily to speak, and to speak the truth when we speak at all. Our neighbor has suffered an injury by a lie; we have wronged him in his rights, we have done him an injustice.

Still more is this true when a promise is violated. The law may decline to enforce promises that do not contain directly or impliedly a consideration, but in pure morality the expectation excited becomes a claim which can not be disappointed without injustice. The violation of a promise adds injury to falsehood.

A promise is to be interpreted as the promisor supposes the promisee to understand it. The impressions which he thinks his words make, which he allows them to make, define his obligation. If there is a mutual misunderstanding, if the promisee receives one impression and the promisor intends to convey, and supposes he does convey another, the promisor is bound only by his own intention, unless he carelessly used plainly misleading language. In that case, when any peculiar hardship is involved, he will desire to fulfil the expectation which he did not intend to create, but did actually create, in the mind of the promisee.

CHAPTER III.

Direct Duties to our Fellow-Men.—Respect.

§ I. ALL men are more or less dependent on the feelings of their fellow-men for incentives to virtue. Few can resist the depressing influence of disrespect at all general or constant; all are sensible to the hope and elasticity which spring from sincere respect. The courage we give by regard and respect based on moral grounds is the sim-

plest, most direct and most effective expression of our rational nature, and our power to aid each other. The distinctions of respect that separate themselves from character, and are bestowed simply on station and wealth, are very disturbing and very confusing forces in the spiritual world. They arise under a law not merely lower than the moral law, but often in direct contravention of it.

The respect we now speak of as due to our fellow-men, and in a high degree influential over them for good, is one rooted in a sense of the powers and the possibilities which belong to every human being. It is always modified and sometimes sadly reduced by the actual moral condition of men; but in the most trying cases it still remains as the testimony of one rational spirit to another of the value of their common life. This profound feeling makes itself correspondingly felt in human experience. It helps to open and set flowing the very fountains of inner life; it nourishes that self-respect which is the first crystalline stream of just sentiment.

The grounds of this respect must be largely religious. It is preëminently the product of a faith that has caught the very spirit of Christ, as expressed in the words, "I came not to call the righteous but sinners to repentance." A shallow philosophy and a barren faith will at once bring forth—as certainly as alkaline plains the sage plant—contempt, aversion and cruelty. The Stoics, with the severity and dignity of their morality, reached a correspondingly high estimate of man, and we find Seneca laying down the precept, "Treat others with the respect

with which you would wish them to treat you in like circumstances."

It is only when the doctrine of immortality is firmly held, and the regenerating discipline of the world under the grace of God is fully accepted, that we have the conditions for this great valuation of every germ of rational life.

§ 2. This duty of respect will attend us as an informing spirit in all our intercourse. It will take the poisonous sting of contempt out of rebuke; it will exclude arrogance, and resolve all superiorities into kindly dignity and the gifts of good-will. It will redeem speech from coldness and scorn, or abuse and vulgarity. We humble others by abuse; we humble both ourselves and others by vulgarity. To compel any one to listen to ribaldry is to make him a party to our personal vices, and implies the stinging contempt that we have no occasion before him for the concealments of decency. Pure and worthy speech is the compliment we insensibly pay good men.

Respect is especially due to those who render menial services, as the judgments of men are peculiarly superficial and depressing at this point. We are not merely to have the theory that labor is respectable, but to feel that fitting labor fittingly rendered is an essential condition of honor. Some participation in manual work is wholesome to body and mind, and a term of good-fellowship with all men. The habitual imposition on others of services personal to ourselves which may be regarded as degrading is most unwelcome to manhood on both sides. Condemned as sla-

very is in all its bearings, it is primarily disastrous in breaking down respect between man and man; in fundamentally subverting the conditions of spiritual intercourse. All the low vices of impurity, deception, servility and cowardice, are begotten on the one side, and, on the other, the corresponding vices—which suffer the additional misfortune of being often mistaken for virtues—of outside gallantry, boastful speech, arrogance, irritability and cruel courage. A really self-contained and generous manhood thus perishes everywhere. Till we can render service, we shall not be prepared to receive it.

Giving also needs to be especially tempered and sustained by respect. Better not to give than to reduce thereby the self-respect of the recipient, for this is to atone for spiritual impoverishment with a physical favor. All giving that is to play a regenerative part in society must be prompted by regard, and so feed the self-sustaining powers of the soul. Personal independence is the citadel of virtue, and rare, indeed, must be the pressure of that poverty which renders fitting even its temporary surrender. A giving that strives to bend the will and life of the receiver to that of the giver is unworthy of both. If we can not nourish or are not content to nourish the personal life, we can let it alone. Respect admits freely of influence and inside modification, it rejects utterly constraint. We may not always be able with all men to stand on terms of respect, but the force of our moral life will tend constantly to extend those terms.

CHAPTER IV.

Direct Duties to our Fellow-Men.—Benevolence.

§ 1. PLATO regarded justice as the supreme virtue. It is the core of virtue, but only the core. It is the skeleton of strength in man but by no means the beauty of perfect life. This beauty belongs to benevolence, to complete and pervasive life.

Benevolence commences where justice leaves off. First just then generous, is not merely a sagacious maxim, it states an interior principle. Justice is a claim, and, if not quickly granted, a clamorous claim of our fellow-men upon us; benevolence is the spontaneous florescence of our own spiritual nature. In it, we come to the highest law of our life in its double expression: Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and thou shalt love thy neighbor as thyself. Obedience to these commands can not be wrenched from us, nor indeed forced out from us by our own volition; it must spring up freely within us as the expression of a perfected life. Here is the ideal of morality, and as with all ideals, its attainment is a series of increasingly successful efforts, not a final achievement. The goal of the race is given by these two commands, but the race itself is an immortal one. We are not bound to win it to-day nor to-morrow; we are bound to be always winning it.

No man has any claim on us, in the strict narrow sense, for benevolence. Righteousness transcends justice by the

breadth of the entire action by which gifts overflow claims, and love oversteps the first organic duties of society. The limit to justice is an equality of claims between men and men as situated alike; the limit of love, an equality of value in the well-being of men as standing on the same moral basis. We transgress justice when we reduce without reason the potentialities of one man in behalf of those of another; we transgress benevolence when we neglect without reason the well-being and pleasures of one man in behalf of those of another.

Of course this principle of benevolence recognizes fully that happiness springs up under moral law, and can not be separated from it. It seeks good, therefore, and seeks to confer it only under this law. It also recognizes, as in reason bound, that we stand in relations to ourselves and to our kindred which we can not sustain to others. We are thus forbidden to enter on preposterous and abortive efforts to promote the well-being of others; to substitute remote duties for those just at hand; to neglect our own good under any Quixotic notion of thereby securing the good of others.

Justice is compatible with self-interest in the narrow sense—with the pursuit of prosperity. Indeed, justice is the spirit of the proverb; Honesty is the best policy. It is enjoined by wise self-seeking. Universal benevolence, on the other hand, is a purely moral law, that of our spiritual affections; can only justify itself to our highest nature, and practically vindicate itself under the highest development of that nature. It is thoroughly disinterested.

This law of love is the very law which in its incipient form the race is now struggling to take up, and is held in check because it will not take up. It has been busy chiefly hitherto with the law of justice in society and the state, while the law of love has found but a very narrow application between single persons, or in very favored households. Laws overlap in development, and justice will not fully enter our social relations except in fellowship with the simpler forms of benevolence. Though the law of love was first clearly put and practically enforced by Christ, it is yet largely a dead letter in the thoughts and feelings of men. It abides as a chrysalis in that state of inanimate suspension which falls to principles whose words are familiar, but whose practice is unknown. We need to understand the force of this higher law of love, and also to see by way of illustration some of its applications.

§ 2. (1) We regard the two commands, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and Thou shalt love thy neighbor as thyself, as moral axioms. The character of God being perfect in righteousness, perfect both in integrity and love, intrinsically calls for complete affection. As, moreover, he stands in an instant relation of aid to each one of us, this affection should be correspondingly fresh and constant. Thus under our moral relations to God, there is no ground for any reserve, any limitation, in our love either in degree or time. In a universe ruled by Supreme Reason, there is no principle on which the rights, the duties, the pleasures of one rational being, simply as a

being, should have any precedence over those of another. Personal powers carry with them everywhere the same value and the same interest. The Intuitionist and the Utilitarian will unite in affirming, "First, that nothing can be right for one which is not right for all persons in similar circumstances; and secondly, that I can not regard the fulfillment of my desires, or my own happiness as intrinsically more desirable (or more to be regarded by me as a rational end) than the equal happiness of any one else." * These affirmations pertain to the generic force of a moral nature, and assert the indifference of the purely rational eye either in justice or benevolence to the specific personality that is expressed in individuals. This fact is so general and absolute that in our calm thoughts we can make no distinctions simply in our own behalf. The *ego* brings no new rights into the rational field. The modifying facts are, (a) our power over our own happiness is greater than over another's, and is committed to us in a more intimate way; (b) the rational powers of men are in all stages of development, and carry with each enlargement enlarged or modified rights; (c) righteousness must be, in each and all, the overruling condition of happiness. The truth affirmed, therefore, is that personality, one's own or another's, carries with it no pre-eminence. This is the axiom, applicable in the moral world as elsewhere, that a thing is always equal to itself.

(2) These two commands which express the law of benevolence are the only ground of ultimate harmony in the moral universe. If there could be fittingly any falling off

* The Methods of Ethics, Sidgwick, p. 364.

in love from God, the chasm would be hopeless. If there could be any preference of one's own interests over those of another, the strife would be irreconcilable. The moral law, that it may remain the universal law, must lift itself above all partisanship, divest itself of personalities, ground itself in abstract duty, and then come forth to set in order and harmonize the concrete facts. The law must be uniform and general, its modifications must spring simply out of changing conditions.

This harmony of every man's rights and every man's interests with every man's ; this inclusion of the good of each in the good of all, and the good of all in the good of each, are the condition of progress, and make a moral universe possible.

(3) These two laws are vindicated by the superiority of the affections over the passions. Benevolence is central among the affections, as desire is central among the self-regarding feelings. The savage believes that hostile and malignant feelings afford more pleasure in their gratification than do the more amicable sentiments of commercial intercourse. In the same way we may think that the pride, vanity and the superficial fellowship of a society built on the desires are preferable, as sources of enjoyment, to pure and controlling love. The latter mistake is greater than the former. The benevolent affections can alone fully fill and satisfy the human soul, and so long as these lie dormant, there will remain bitterness and darkness and disappointment. To deny the commands of love, is to deny the constitutional supremacy of the rational affections, rationally fulfilled.

(4) The fourth disclosure of these laws as laws is seen in the fact that they supplement each other. God can not remain the Father of men except on the condition of unreserved love for them all. This must carry with it a desire for perfect harmony between them. No man then can enter into the thought and heart of God otherwise than by complete love toward his fellow-men. Moreover, there is so much to be deprecated in human action and character, there is such a pressure of personal interests, and so much friction between interests, that no man could mount up to this equitable law of love save as love was initiated by the divine love and first directed toward God. This grand enclosure of all interests and all persons in the patient plans, the discipline and the grace of Heaven, is requisite also to give any hope, any firm foundation of reason, to those labors which are directed to the well-being of men. Life must resolve itself into a hasty scramble for the good nearest at hand, unless there is a present, future and pervasive grace of God. A sinking ship gives no conditions for a considerate distribution of pleasure.

§ 3. Benevolence is an omnipresent impulse to shape and make spiritually beautiful all action. We can only fittingly refer to a few actions which need to be immediately modified by it. Self-interest expresses itself most vigorously in the pursuit and use of wealth. The struggle for wealth is not merely the product of a strong desire; wealth itself is a condition directly or indirectly to the gratification of almost all the desires. Self thus asserts itself supremely in the seeking and using of wealth. In acquiring wealth, the

commercial law, which is one of very qualified honesty, is substituted for the law of love. Few inquire into the intrinsic worth and genuine quality of what they offer for sale, and they feel at liberty to take at once all the market allows them. The price of an open market, they are entitled to under simple justice. It is the limit which natural law has drawn between their rights and the rights of others ; but it leaves the entire problem of good-will untouched. Virtue as beneficence has not commenced its work till the laws of trade are transcended. Justice as honesty is the principle under which the virtuous man acquires wealth, and benevolence, that under which he expends it. If he reduces a price, he confers a gift, and this is expenditure.

Money acquired is to be looked on as power to be employed under the general law of love. At this point, social sentiment does not merely fall below the moral law, it loses sight of it almost altogether. It feels at liberty to expend wealth precisely as it has made it, under the commercial principle of self-interest restrained by justice. We must assert clearly the higher law, the law of love, as that of expenditure, and the true condition of spiritual life.

What this law demands, it is not possible in detail to define, since these details vary with every phase of civilization, and every variety of circumstance. We can give principles, which here as always in the moral world must be left to a wise and loving use.

Benevolence excludes luxury. Luxury is not so much

a variable term as one which expresses a very variable fact. A luxury is an enjoyment turning on expenditure decidedly in advance of the standard of living which at the time falls to the middle classes. A luxury is wholly relative. The luxuries of one period may be the necessities of the following period. Luxuries may involve intemperance, vanity and bad taste ; but they also may not ; if they do, they are condemned on other grounds than those of luxury. Luxuries are morally censurable simply as implying unreasonable self-appreciation, as selfishness. Progress in the comforts and elegancies of life is truly and greatly desirable ; luxury is rejected because it checks this progress as a general fact. It anticipates the resources, which benevolence must call the resources of the community, and squanders them on the few. One's method of living, therefore, should be that which gives a guiding, stimulating, wholesome example to the families about him and the men of his own time. Luxuries are of the nature of profligacy. They are the indulgences of the selfish few ; the envy and despair, or the stupid admiration, of the selfish many. Every man must remember that he marches with an army, and the question of broad moral interest is not, How far he has gone, but What progress has it made? To steal the horses that should drag baggage-wagons and the great guns, and to ride off on them, is treachery.

The cultivated classes, the aristocratic classes, in separating themselves from the fortunes of mankind, deny the fundamental truths of morals and of Christianity. They cease to draw intellectual strength and spiritual life from

the world, and strive to draw them from their own much narrower world. But in this limited enclosure, in the very act of making it, they have introduced all selfish and restricted feelings. Hence the weeds are not less rank as the soil grows rich. Thus the wealthy and the refined are put to their wit's ends in the search after good, for they have sealed up its perennial fountains in the affections.

This application of benevolence to expenditure is easily impressed on the open mind.

(1) There is no more pitiable social and moral spectacle than the rapid way in which the two extremes of society draw apart from each other with civilization. The army loses all cohesion. While the upper classes make great progress, the lower classes seem actually to retreat in the wholesome conditions of social and spiritual life. From large cities and from many country districts there can be gathered a troop which in vice, ignorance, poverty and wretchedness can not be equaled in barbarous tribes. Till society can knit itself anew by some better law than that of production, the world must present the melancholy moral spectacle of squalid poverty creeping into the light close by the most fastidious luxury, with mutual aversion and hatred.

(2) The law of love is the condition of all farther social progress. Again and again, have the elements separated, has society curdled, under the luxury begotten of self-interest, and civilization by disruption been lost in barbarism. When wealth and power have been largely accumulated, unless they can be employed under the law of love, they

inflare afresh the passions, weaken the energies, and divide the state, with its oligarchy and its proletariat, deeper than ever against itself. When we would move upward we are held to a higher law of growth.

(3) We are led to the same conclusion when we recollect what wealth represents. It represents human labor ; it is for the most part accumulated human labor. Those who hold it have not created it exclusively, and often have not created any considerable part of that which falls to them. In a large moral sense, then, wealth is chargeable with the interests of the race. As the physical strength of the community is chargeable with its defence, so is its social strength with its social progress. Even the Greeks in their "liturgies" recognized this principle. The law of justice is meant to be supplemented by the law of benevolence ; if we break away from this law in behalf of our pleasures, we must expect our neighbor to break away from that law in behalf of his pleasure. We can hardly, in large possession of the accumulated wealth won by all classes, cry successfully, Law ! Justice ! in suppression of the passions of men, when we ourselves inflame the passions of men by a pitiless pursuit of our own pleasures, and when law and justice are only intended to run before love. Natural law does entrust to us very unequally the returns of labor, but if we violate that trust, we can not expect to maintain it against violence. It is after all one moral law which expresses itself both in justice and in benevolence, and the integrity of the system requires its fulfilment on both sides. If we oppose ourselves to the communist in justice, we

must reunite ourselves to him in benevolence, or our one-sided law will lose all constraining power. If we hold him fast under our phrasing of duty in the acquisition of wealth, we must suffer him to hold us fast under his phrasing of duty in the use of wealth. We can not halve righteousness successfully, and take a part and leave a part. Justice is indeed primary and sows the seed, but benevolence is supplementary and gathers the harvest. We can not reason with men, if we reach our own good and then arrest the argument.

§ 4. But the inquiries at once arise, How shall our wealth be made available to the common welfare? Is not luxury itself the simplest way of making it available? Luxury does render some aid to industry, and scatters its prodigality, though sparingly, among the poor. This fact should not disguise its true character. The wealth devoted to luxuries disappears wholly with one outlay. It ought rather, as spare funds, to reappear either as permanent strength in public resources of instruction, in works for the public welfare, or to return to the channels of general industry, keeping them at flood. It is a detraction from the value of the first expenditure of luxury (1) that luxuries are so often—as laces—the result of the most poorly paid labor; and (2) that the luxurious are usually such eager and exacting masters.

There are three forms of valuable giving in the world. We may give worthy incentives, we may give knowledge, and we may give substantial aid. Their value is in the order mentioned. Counsel which costs us the least, in a

narrow use of words, yet springs most directly from our own personal force, is of highest worth to the world. Incentives, that reach the emotions and plant themselves there as living germs, are the cardinal necessities of growth. Guidance is closely akin to these. Knowledge is the atmosphere, the environment, in which worthy motives thrive. The least gift of all, material aid, will owe its chief value to its relations to the other two. The fundamental principle of giving is the divine one, to give to those that have. This is to minister to living things, and not to waste our cultivation on dead things.

The wealth that is reserved from luxury puts its possessor on the best of terms for a careful and kind consideration of the necessities of labor. One whose spirit is drunk up with the haste and the exorbitant desires of personal indulgence, will lend a dull ear and a hard hand to the employé. One who has a margin of unappropriated means can interest himself in co-operation, in opening up in one way or another the paths of prosperity to the poor. He can do this directly, while his multiplication of useful products does it indirectly by enlarging the common resources. The moral purpose of wealth is this, its additional mastery of the conditions of progress. To devote wealth to luxury, is to allow a river that should irrigate many fruitful fields to flow on to the sea through a narrow channel. The skillful helping of men is the culmination of our intellectual insight and spiritual sympathies. It has its grand ways and its obscure ones, its great streams and its small rivulets.

Generosity springs from kindly and quick sympathies ;

benevolence, from a steadfast, prudent purpose and firm affections. Generosity, as the more spontaneous feeling, sometimes carries with it more beauty; yet, as improvident and heedless, it has far less practical value, and may even drift into palpable wrong and the oversight of just claims. Its prevailing impulse is still self-interest, though it draws in many other incentives along the line of good fellowship.

Benevolence, on the other hand, as cool and calculating, may even seem harsh and hard. It is a pity that any virtue should be robbed of its proper grace. Benevolence that is wise and firm should also be spontaneous and free, as if it were our own nature rather than a higher nature thrust upon us.

§ 5. The poor we have always with us. Charities of various kinds will long remain, though the best giving will aim steadily to supercede them, not to expand them. This duty of charity is divided between the individual and the state, though the province of the state needs to be very narrowly defined and closely guarded.

The objections to state charities are very serious. (1) These charities are easily claimed as a right. They become corollaries under the false proposition, "The world owes me a living." This really means that the vicious, lazy and unfortunate have a right to cast themselves on the virtuous, industrious and successful for support. Such a sentiment should be met with instant and complete rejection. When public charities come to be, as they are liable to be, a practical expression of this opinion, they undermine justice and benevolence alike.

(2) A dependent class may in this way be created who shall embody and perpetuate the worst degeneracy of the race. Manhood in all its best elements disappears. The law of natural selection is suspended at the point at which it is most wholesome. The scourge of nature is taken from her hand, folded up and put away. A class is preserved and favored who have nothing to commend them to themselves or others. They are destitute of courage, decency, responsibility and respect—the running sore of the race.

(3) Public charities are not, when they become extended, likely to be accompanied by that sympathy and personal interest which make charity an occasion of virtue, both to giver and receiver. Indeed, if there comes to be a pauper class, sympathy necessarily disappears. Charities must be administered with constant kindness or their moral power is gone. This kindness can not, under the very best circumstances, have the same expression between parties that represent, the one a recipient of public favor, and the other its official distributor. The morning dew of sympathy disappears before the noonday heat of business. The loss is double, falling alike on giver and receiver.

(4) Public charities are very liable to lose the flexibility and good judgment in administration which belong to private institutions. They must proceed under a general rule, and can not give the same weight to exceptions. A clamor is easily raised, and the fear of it tends to laxity in the application of defensive precautions. Easy admittance and easy aid will be the most popular. If a counter-sentiment starts up for a time, it is likely, while it lasts, to be

attended with real hardship, and to provoke a new reaction. An uncertain outside feeling, dependent on vague public opinion, tends to suspend and to embarrass sound inside judgment.

(5) Public charities may become a grievous burden on the state, that is, on industrious, intelligent citizens. We thus discriminate against virtue, and *make* the prudent bear the sins of the imprudent. So strong is this reason, that many think it justly goes to the extent of removing charity entirely from the functions of the state. This topic will be involved more fully in later discussion. We here assent to the fact that charities must largely fall to individuals, to voluntary associations and to churches. That an inner circle of the most needful charities rightly belongs to the state, we believe for several reasons. (1) Some charities are from the nature of the case a common burden, and there is no fairness in throwing them exclusively on the most sympathetic. This is to discriminate against virtue. (2) Private charities will at some times and in some directions be manifestly insufficient, and the claims of humanity are no more to be overlooked by the state than by individuals. (3) Some charities will be unduly burdensome to private liberality. The force of these reasons will appear as we proceed to specify the fit occasions for public charity.

(1) Disabled soldiers, superannuated marines, are the wards of the government, and may claim provision at its hand. The orphans of soldiers may also present a like urgent demand.

(2) The administration of a charity may require constraint and be partially of a penal nature. Homes of correction and reform schools are charities of this character, and can not be administered save under the strong hand of law. The state may well add instruction to correction in dealing with the young.

(3) Charities in themselves extended and permanent, and which are best administered on a large scale with professional skill, fall with propriety to the state. Provision for the insane and for idiots belongs to this class. These unfortunate persons are especially abundant among the poor; the sympathy which prompts relief must be very far-reaching and firm, and make itself felt through the wisdom of its measures rather than by personal feeling. This burden demanding a strong, skillful and steady hand, is not likely to be borne, even with tolerable satisfaction, except by the state.

(4) There are charities—as hospitals in large cities—which *must* be provided and be open at all hours to subjects of casualty. If they are not already provided by private charity, the public police, into whose hands the injured first fall, must have a resource in the provision of the public itself.

All charities, no matter by whom administered, if they are to be wholesome in their results, must conform to a few simple principles. (1) They must preserve every remnant of self-respect and independence. (2) They must strive to retain and increase every power of self-support. (3) The provision made should never be luxu-

rious, but fitted in a plain way to its direct purpose. (4) All the ways should be guarded in which a pauper class, with its physical and moral degradation, appears and propagates itself.

The masculine hand of natural law is better than the effeminate hand of sentimentality. A benevolence that strikes inward into the core of justice is a disease, a softening of the brain.*

* The Wages Question, Chap. IV. The Degradation of Labor.

CHAPTER V.

Duties in the Family.

§ 1. THE family is the primary and most permanent organic group. This is entirely true, unless it be in the most extreme forms of savage life. Our natural affections, our immediate desires, our social impulses, and our spiritual affections all take part in its formation and perfecting. The evil influences that infect society, and the beneficent ones that bless it, are largely transplanted from the household. In turn civil government watches over it, and makes for it the most careful provision.

The duties of the family are of four grades, each grade arising from those which precede it: the duties which attach to marriage; the duties which pertain to parents; the duties which fall to children; and the duties which lie at large between the members of the household, more particularly those between brothers and sisters.

§ 2. It will be in vain to require of parents or of children their appropriate duties, unless the antecedent duties which pertain to the relation of marriage are understood and enforced. By negligence in these incipient stages of duty, parents may have already greatly limited the conditions of success in their special work, or may have missed them altogether. If children are to be rightly trained, that wise

nurture is to be gotten ready for in a wise way. The grounds of fortunate marriage are physical, social, and spiritual, and none of them can be safely overlooked.

The physical conditions have primary reference to offspring. Parents are under obligation to give, if possible, a firm, well-balanced, physical constitution to their children, as a controlling term in a prosperous and virtuous life. If they can not reasonably expect to do this in some good measure, they anticipate by a fatal fault and deadly flaw the good effects of all later efforts. This duty needs to be seen with a clearness and felt with a force of which public sentiment now shows but few signs. A blind, passionate submission to impulse, an irrational appeal to Providence, have hitherto been prevailing methods in human experience. We must accept law in its fountains, and suit our action to it, if we are to handle life successfully. The obedience of to-day will not cover the disobedience of yesterday.

It is also desirable, though the duty is not so unqualified, that there should be social fitness and equality in marriage. Any striking departure from it is likely to impose peculiar difficulties on parents, and to mar the fortunes of children. The customs of a community may be irrational and unkind in their restrictions on marriage. The individual can rarely yield implicitly to them, and must at times peremptorily set them aside. Yet customs have a reason, and have practical power ; and must be treated with caution, when the unity of the household and the social position of children are involved. The household is instituted, in large part, for children, and their fortunes must be a controlling consideration.

Marriage, therefore, should, as a general rule, have fitness in reference to the social conditions into which it seeks to incorporate a new family.

The spiritual conditions of marriage are affiliation in tastes, temper and purposes. This affiliation is the spiritual basis and fact of marriage. While it is primarily necessary in reference to the happiness of the parties, it also gives the only reasonable promise of an ability to harmonize, to guide and to govern the household. The conditions of success in the family are very inclusive and complicated, yet perfectly rational. There is the strongest disposition among men to trust this chief problem of life—chief to the present generation and still more so to coming generations—to a chance solution. Love, as a blind, fluctuating passion, takes the lead in some communities; and in others, the more sagacious but often narrow forecast of parents, guided by social interests. Love, as a spiritual affection, grows slowly, and requires many and delicate conditions for its perfection. It is for the interest of all parties that counsel, in all just forms, should find easy entrance for the correct interpretation of the critical and complex circumstances involved in marriage. Fiction and fictitious sentiment are busy turning love, especially the love of woman, into a passionate, irrational impulse. It ought rather to root itself most profoundly in reason, and must so root itself, if its fruits are to be beneficent. There may easily be a lack of concurrence between the physical and spiritual conditions of marriage. Our action will then need to be governed by a preponderating sense of our responsibilities to others.

Marriage, once accomplished, rightly becomes the most indissoluble bond of life. If this first affinity fails, we can hardly hope to save any secondary affinities, and the fermenting elements of discord in the household will be ready to dissolve it, as finding no fit genetic union in or with society. The strict rule of our Saviour, that the marriage tie should be loosed for one offence only, is plainly the ultimate law. Laxity in divorce results at once in the degradation of woman, and her degradation is the degradation of the household, and its corruption is the corruption of society. The true moral elevation of woman is the key-stone of the social arch. Weakness here seams in all direction the unsubstantial edifice. None can doubt that the dissoluteness attaching to a weak marriage bond undermines the social position of woman. The strength of the household is her strength. A somewhat corresponding disaster overtakes children in the ruptured home. The home is their true shelter, and from it alone can they go forth well prepared for the world.

While marriage imposes so stern a moral law, it does not follow that the civil law can always conform to it. The sentiment of a community may be too lax to endure the restraint, and so license may be provoked by the severity of the rule. Practically that is the wise law of divorce which approaches most nearly the ideal, and is at the same time capable of enforcement. To make the law less rigid is to rob the household of its great defence, to make it more rigid is to snap the tie by the strain put upon it.

The law of divorce, however, may be softened in its application by comparatively easy terms of separation. A

household that is practically dissolved by the action of its inmates can not advantageously be held together by the force of civil law.

Stringency in the laws which regulate marriage is fitted to make the parties to it more cautious in entering on it, and more considerate and patient in their action under it. When, however, the general sentiment of a community is passionate and reckless, severity in the law will baffle itself. The law will be broken through by deceit and violence, and will doubly perish both as a moral and a civil bond.

§ 3. The ideal relation of husband and wife in the construction and ordering of the household is that of essential equality. This is not only the best ground for mutual conciliation and regard, it is the only true ground. Any assumption on either side is a preparation for unfairness and tyranny. The terms of conference, confidence and good-will are lost in the outset. This equality is like the civil equality of citizens in a free state ; it is one of opportunities, of rights in the exercise of powers, and does not carry with it identity of duties or influence. It simply leaves the parties fully under, and only under, the natural terms of power which fall to them, and under those social terms in connection with which their powers are to find expression. It is not the will of either the husband or the wife, or any primitive and peculiar right of either, that restrains the other ; it is the moral law alone, springing out of existing facts and impartially applied to both parties.

These facts are made up of the respective powers of the husband and wife, and of their relation to the enveloping

sentiment of the community, their social environment. A fair and skillful interpretation of duties under these conditions will assign the husband and wife their position and duties with no prejudice to either.

While the ideal state in marriage involves full equality and perfect respect in the direct intercourse of the heads of the household, the present spiritual condition of men and women and the actual condition of society greatly modify their relations to each other. It is not true, as Spencer seems to think, that morals have to do only with an ideally perfect state, and are applicable only as an ultimate rule. If this were true, they would have comparatively little practical interest, and would need to be supplemented at once by prudential precepts which did touch and guide our daily life. The ideal is well-nigh as variable as the actual, and is never reached. Our moral laws, if constructed exclusively on the ideal, would still fail to be identical in all minds, and would sacrifice immediate, substantial value to a remote, fanciful good. Morality should teach us what to do under existing circumstances, rather than enjoin upon us that which would be fitting at another time and under other circumstances, but which now serves only to entangle still farther perplexing facts.

The ultimate ground of any superiority on the part of the husband is physical strength. Force is the final law in human affairs, when the moral law is discarded. If we throw ourselves off the basis of morality, we sink at once to that of brute power. Society, in its sentiments and customs, is in a transition state between animal life and ra-

tional life. So far as we are rational, we can be treated rationally; so far as we are irrational, our methods of intercourse must bend to the fact. Brute impulses can not be managed as reasonable impulses. It becomes, then, our duty to keep clearly and constantly before the mind the rational standard, and apply it as far as possible to existing facts, remembering that this standard tends to regenerate the facts, as well as to control them.

This principle does not tell us exactly what to do in each case; it tells us what is of far more worth, the spirit with which all things are to be done. The preëminent injunctions in morals rest not on actions, but on the temper with which they are performed. Actions are infinitely variable, are the immediate products of joint sagacity and good-will. The invariable moral factor is good-will. The ends of action and the disposition which sustains those ends are the things enjoined. The disposition which should prevail in the household is the desire to make it the medium of the freest, yet safest and most thoroughly furnished, growth of all its inmates. To this end a considerate and just temper, one that respects the least play of personal powers, is indispensable.

The common law intended kindness, and, in the period of its formation, was kind in lodging the personality and power of the household so exclusively in the husband. The wife was put under his hand that he might the more thoroughly protect her from the pressing danger of the time—outside aggression,—and establish the household a strong defensible unit within itself. In this there was no

protection against the second and more permanent danger of inside tyranny. The first exigency having passed by in the progress of civilization, the second exigency is upon us, and must be met by the most absolute equality of rights before the law. "Wife-torture," as a peculiar evil, should be impossible.* We are slow to recognize a new revelation, and take up a new position.

One of the most constant and teasing tyrannies of the household is the exclusive mastery of the purse by the husband. The action of the wife may thus be made subject, in its minutest details, to the caprice of a master. The substance, if not the form, of liberty is eaten away. Yet, as in the natural apportionment of labor, exterior, financial responsibilities will fall primarily to the husband, a corresponding control of expenditure by him will be necessary. The liberty of the wife may not be used in neglect of this inherent fitness. Only large minds and liberal tempers can suffice to adjust well the many intricate and delicate relations of the household. The family is the school of our best virtues, and momentarily demands these virtues. When we fail to hold in ourselves a higher law, the best thing we can do is to drop quietly back on the conventional law of society, which has been in formation many hundred years for this very service.

A fitting image of the well-ordered home is an ellipse, with distinct, yet equally influential foci. All the virtues which cluster at the one centre should find full reflection from every point of the curve, till they are gathered again

* Contemporary Review, April No. 1878.

in the other. The affectionate control on this side should but reverse the controlling affection on that. Truly masculine and truly feminine character are not so much different things, as the same thing differently proportioned. The elliptic character of this joint life will be more and more apparent as it is enriched by a large spiritual development. When it is narrowed down by appetite, passion and desire, the two foci will lapse into one centre, and that centre will be merely masculine strength, an impoverishment alike of every member of the household, and of none more than of the master.

§ 4. The duties of parents are inclusively those of kind and wise nurture. While parents have no right to institute a household, till there is present a fair possibility of fulfilling its duties, when the household has been established, it becomes a joint interest of parents and children, a joint life of all. It is true that the thriftiness of this life will preëminently show itself in the sturdy growth of offspring, and that many things, or rather most things, will be found secondary to this end, yet children as well as parents have interests to sacrifice to the household strength. The law of sacrifice is good for the child as it is for the parent. No one, not even the parent, can try advantageously to lift all burdens from his ward. If the parent devotes his strength to the home, the child should be quick to see the claims for like action on his part. Mutual love and mutual effort are the grounds of harmonized spiritual growth. The self-sacrifice of the father, the very love of the mother, may develop the selfishness of son or daughter. The first lesson of all

human life is this of concession in good-will to the lives of its fellows. A first condition of this training is a complete recognition of, and thorough respect for, joint rights. The parent can therefore never wisely overlook or waive his claims on his children. His own life, like their lives, contains great ends. Searching and common responsibilities are the bracing atmosphere of the healthy home.

Parents are no more at liberty to devote unreservedly large resources to their children than to sacrifice to them their own lives. Exaction and selfishness toward men will as certainly spring from this indulgence, as exaction and selfishness in the household from the too great tenderness of love. The worst of vices seem to be the mongrel offspring of good and evil. Let love sink into weakness and it may reappear in children as intolerable selfishness; let all resources be devoted unreservedly to the household, and it will send forth cruel arrogance and sterile pride. The household must from the beginning bend to its duties to society and to the state, and so will it best train its own members.

There are two primary ends involved in the duty of nurture; the desire to furnish the means for the largest development of life, physical, intellectual and spiritual; and the actual evocation of such a life under the moral law. The parent is more likely to be wise in the first, than wise in the second, item; to be formally wise than actually wise. Conditions of growth are not growth, and may easily get in its way. The first branch of the duty of nurture, that of providing the fullest attainable means for the enlarging of

life, need not be farther enforced. The second branch is plainly that of working the moral law of life into life, point by point, as it is unfolded. The considerations of moment under this portion of duty are : (1) All obligations of life within and without the home, though they may carry with them much retrenchment and many limitations, are to be freely accepted. The duty is better than the gain arising from its neglect. The wealth of human life is not in that which a man hath of riches, power or knowledge, but is in the complete way in which he conforms to his supreme law, gathering quietly under it all subordinate laws. This state is to be reached not by struggling passionately against the world, but patiently with it ; not by denying self-denial, but by accepting it.

(2) Obedience is a cardinal fact in discipline. Law in a thousand forms must be finding its unobstructed way into human action. The ultimate result is the perfect permeation of life by law, entering at every active sense and clear intuition. But law first offers itself to the child as the will of the parent. In that form it must be first recognized. Will, as conjoint wisdom and love, as safety and pleasure, must take possession of the child. If law fails in this its plainest, most primitive and personal form, it is almost sure to fail in its later more obscure and abstract appeals. Obedience thus becomes a first point in discipline. The more gently, however, it can be wrought into the life, the more perfectly does it take possession of it. The love of one parent and the authority of another may often give rise to a subtile antagonism, parting the two elements of cheerful obe-

dience. The harmony of authority and affection, respect and love, makes the command a composite and spiritually organic law.

(3) The somewhat blind, and somewhat implicit, obedience of the child must always be passing under counsel into perfect choice. The child-life is prepared to drop off from the parent-life only when authority is fully displaced by freedom, and self-centered impulses are able to sustain righteous action. Nurture, therefore, is from the beginning the nurture of manhood. The parent-life that perpetually overshadows the child-life dwarfs it. The father must not be too slow in lifting the hand of authority, nor the mother too tardy in withdrawing opinion and desire. The rights of an independent being must, as they begin to accrue, be profoundly respected. A multiplicity of commands, no matter how kindly intended, is the undue assumption of an exacting personality. Cardinal necessities must be sharply distinguished from things simply desirable. Some of the latter may be yielded to liberty, as itself worth more than they. The son must get his birthright without a revolution.

§ 5. The duties of children are correlative to those of parents. If these ought wisely to command, those ought cheerfully to obey. Heedfulness, affection and reverence express the reciprocal obligations of children toward worthy parents. These duties will be so normal to any thing like an ideal household as to be easily fulfilled. But we are not in an ideal state, and the affection and reverence of the child may be greatly straitened by the character of the

parent. Nature provides for the young. The infant and the child win their way. They are protected by natural affections, and have in themselves many attractions. The old man, like the aged oak, is left stripped by nature ; leaves and branches have dropped off. The decay of strength is all that remains. The lesson is plain. Age must rest on character alone. Moral beauty and moral strength are its exclusive reprisals, reverence its exclusive honor. The harvest is as the sowing. The child can not wholly forget or deny the law. Affection and reverence must sink into merely formal action, if they find no inherent provocation in the character of the parent. The duties of the child are so dependent on those of the parent, that it is only a poor remnant of outward service that children can render, when they themselves have been robbed of counsel and affection ; and a still poorer remnant that they are likely to render.

§ 6. If the condition of a household, symmetrically developed in strength, is one of equality between parents, still more plainly is this equality called for between children. It gives the only firm footing for common interests and common affections. The all-inclusive duty between children is love. This will usually become their relation to each other in the degree in which they are already bound in filial love to their parents. The two directions of affection have the same dependence on each other as that expressed in the first and the second commandment of Christ. The intensity and shamelessness of family quarrels are proportioned to the strength of the obligations which they

violate. Openness between children, and between parents and children, is a most fortunate expression of the family life. Indeed, the degree in which it exists may be regarded as a test of the wholesome character of the household. Concealment belongs to a perverse life, or to a morbid one. But this openness can only be secured in connection with great fairness of spirit, delicate appreciation, and a disposition on the part of parents never to require it, and to thoroughly respect its claims. Openness is the fruit of the most gentle winning, and is of incalculable worth in maintaining the health and happiness of the family. It is daily fresh air and sunshine.

The family gives us the first rehearsal of social virtues ; the state can not, therefore, too carefully protect it. Yet even the family may furnish a new centre to selfishness, and build itself up against men rather than for men. Its true social office is expressed in hospitality, a large and cheerful entertainment of strangers. Benevolence no sooner breaks new ground than selfishness struggles to build around it a new enclosure. Thus family love becomes family pride, and we devote to the family, with self-congratulation, what we would hesitate to devote to ourselves. In the same way patriotism may be transformed into the destiny of a race, hiding from itself, in the pride of its power, very bitter wrongs as the decrees of a favoring providence.

Yet it is a great gain to make these stages in our expanding life. While we may not pause at any of these, we may not neglect any of them. One will meet his own household

with peculiar advantage, if he keeps his own heart clean ; and he will meet the world at large with like advantage, if he maintains his own household in purity and peace. The river of life retreats into these mountain fastnesses for its sweetest fountains.



CHAPTER VI.

Duties in Society.

§ 1. THERE are two factors in growth, the individual and society. Human life is a composite life. It may be likened to the coral reef with its many polyyps, or to the tree with its many buds. The growing points, the seats of life, are the individuals ; while the gains of life, its accumulated modifications by which each successive individual is enriched, are embodied and held fast in the community.

Society, as the protracted growth of centuries, assigns the spiritual position from which the individual is to spring forth, and determines the influential conditions under which he is to unfold his powers. Society is the living channel through which the accumulated material of centuries is flowing, the transition stage in which the treasured experience of ages is gathered.

It may again be likened to the living body in which is present the plastic power of a species modified by a history stretching back to the dawn of life, and still farther modified for a history that is to run on in an indefinite future.

Not till we appreciate the supreme power of society over the individual, and the degree in which it is to each the store-house of his strength ; not till we understand in turn the relation of the individual to society as its present seat of life, as the point at which new strength is to enter, can we judge correctly our social duties. Society has its special institutions, as the family, the church, the state. These bring their own narrower duties. We are now speaking of society as the spiritual atmosphere which we maintain, one with another and one for another. The customs, manners, sentiments, opinions, standards of respectability, of honor and morality rife in any community of men, become to each one of its members an omnipresent, spiritual presence, which withdraws itself not for a moment from the inner thought or outer life of the man. No question is broa hed aside from its suggestion, or settled beyond its influence. When this sentiment surges in one direction and utters itself through many voices, like a multitude of waves, we call it public opinion. Into this common intellectual life, all new conditions of progress must be introduced ; in it they must find diffusion and correction ; from it they must be taken up by the great mass of men who march only as the army strikes camp and marches.

This social sentiment has a narrow range in the community, a larger one in the nation, and is rapidly coming to have a still freer and more wholesome one between nations. Like air, it suffers impurity as it is pent up ; like air, it gathers healthful quality as its volume increases.

The commercial interdependence of men is a truth

which political economy is making very familiar to us. We are coming to understand that there is no climate on whose productions we are not feeding ; no country in whose prosperity we are not interested ; no class of laborers who are not hard at work for us. All places in each place, this is the law of commerce. Telegraphic communication is spread over the world like a nervous system ; while the demands of trade, like veins and arteries, search out its extremities, and pass in full volume through its central organs.

The intellectual interdependence of men is not less manifest. Not only are men of every race at work for us in knowledge, they have been at work for us since the dawn of history, and have accumulated wealth so great that with our utmost industry, we can appropriate only a little, here and there. This individual poverty matters little. The wisdom of their words and their practical power are embodied in the social life, and it and we are richer by the entire store. The compass and force of our civilization are the product of all eras and all races. The river that floats us and gives liberty to our craft, drains a continent.

We must bear with us a like feeling in moral life. Here, pervasive, spiritual power must be wrought as customs, courtesies, habits, axioms of trade and government, inviolable sentiments, instinctive rejections, instant approvals, into the unconscious thinking and acting of society. Society must thus have a body, not merely of unwritten law, but of organic associative law, executing itself with the certainty and energy of an automatic mechanism. The free and spiritual will thus by the intervention of the vital and conventional

be wrought into the physical conditions of life and secure more and more fulness, ease, decision and certainty. We shall be compelled to speak again of this relation, but we must bear it somewhat in mind before we can understand at all our duties to society.

§ 2. We direct attention to a few particulars to give definiteness to thought. The outward appearance of social life, more especially in garments, is governed by a social rule which we call fashion. The extent and tyranny of the government, and the degree, therefore, in which it supercedes private judgment and breaks in on private duties, we have noticed. Yet, as we are social beings, our comfort and the comfort of others can not be separated from fashion. It is a source also of great good as well as of great mischief. Its mischief is apparent in the extravagant expenditure, the absurd styles, the unwholesome restraints it imposes ; its advantages, though less conspicuous, are seen in the way in which it reaches all classes, draws them out of themselves, inspires in them a respect for the opinions of their fellow-men, accustoms them to a social law, and imposes on them a harmonizing regard for appearances. Yet the moral sentiment must find itself often at war with fashion, and engaged in a perpetual struggle to reconstruct it under the laws of health, taste and beneficence.

The customs which gather about social intercourse, while they express our common life, may yet greatly trammel and pervert it, and obscure very much the duties we owe one to another. These conventional rules of intercourse go far to settle our relations with each other, and to give direction

and form to our responsibilities. Still these social laws are easily burdened with all the false feeling and false distinctions of the past, and are with difficulty subjected to the higher standards of ripening morality. The leading spirits in each direction of action shape its sentiments, and the leading spirits in society are peculiarly open to vanity and the petty feelings and irritations of rank, class and family. If society becomes fastidious and elegant, this very daintiness of method is wont to be made the cloak of corruption. If the esthetical sentiment usurps the place of the moral sentiment, an outer excellence only the more certainly conceals an inner weakness. Beauty becomes a lure, and inflames all the selfish passions. A reinvigoration of each special form of the social life becomes a constant duty.

Standards of honor are the more sharp and narrow expression of social morality. These standards may pertain to dueling, to gambling, to the stock exchange, or to the actions of a class, as apprentices in a trade, or as students in college. They are the growth of social sentiment from some root or other of moral law. There are some principles which give these standards a color of correctness, enabling the general sentiment to establish them as incontrovertible. When civil law is weak, and men's passions are strong, and language is violent, there are many personal injuries that have no redress, and which lead to private feud. These quarrels are held partially in check, and, when they arise, are put under the restraints of custom, by the duel. The contention is no longer a street fight, but a carefully ordered affair of honor. The tale-bearing of school-boys is an

offence against honor, so is it often against good-fellowship and good-will.

Standards of honor become pernicious only by being too narrow, or by living beyond their time. Yet as they express a constructive social force, and have an inner kernel of moral truth, they must be treated with some consideration. If one escapes this law by falling below it, he is worse off than before. There is only one true riddance under the code of honor, to rise into the region of higher, purer moral principle, which supercedes the lower impulse by including it. That it is not easy to do this, the action of such a man as Alexander Hamilton makes plain.

§ 3. The primary fact that we are to remember in this department of duty is, that society is the repository of moral sentiment, that it passes into practical, pervasive and permanent power by a transformation into conventional law. The contest has been warm between the utilitarian and the intuitionist as to the relation of moral law to conventional law. We would make the moral intuition, receiving its primary force from the gifted individual, the centre of crystallization to a social thought which slowly gathers about it and transforms it into a general sentiment, the unconscious possession of the race. Hence the principle we lay down under our duty to society is, that our moral life is to be constructed with and into that of the period and place to which we belong. We shall thus be saved from mysticism, asceticism and iconoclasm. We shall not contend with invisible enemies, the creatures of the imagination, but with flesh and blood, for their and our regeneration. All that pertains to man

will indeed pertain to us. We shall be found concurrent in our action with nature, with good men, and with the ongoing kingdom of heaven. We are dealing at all times, not with pure agencies, unmixed good or evil, but with the most composite agencies. Here is the glamour of genius opening the eyes of men and enlivening their dead thoughts, yet so dazzling them that they can not see its open vices and deadly tendencies. Here are the respect and influence which attach to wealth, station, power, all stimulative and all liable to be servile. Here is such a spirit as that of chivalry ; improving a bad condition of things, but standing in the way of a better. We have to do with subtle, potent, ever present spirits, and must make them all serve with a cool and skillful necromancy.



CHAPTER VII.

Duties in the State. Its Nature and Origin.

§ 1. By a state we mean a people included under one supreme civil government. Any thing like an ideal state will imply much more coherency of interests and unity of ends than those expressed by the bare fact of an existing supreme authority ; yet this authority is the practical test of the state. The state can not exist without it, and when it is present, the state is organized though it may be in a very inadequate, unfortunate way.

Government that is fortunate and strong is the ultimate expression of organizing powers rather than those very powers. The forces within the people themselves which work for the state are, (1) unity in race, (2) in language, (3) in customs and temper. These are the most directly organizing agencies. Yet they can not act under all external conditions. These conditions may quite nullify them when they are present, and may also impose national unity when they are wanting. The most immediate and constant of these external conditions are geographical bounds. Though the lust of empire may break over all limits, yet the natural features of the world, its mountain barriers and water boundaries, its facilities and its obstacles to intercourse, go far to shape states. Frontiers visible on the face of the world, and fit in themselves, become the limits of national sympathies and an expression of national integrity. The state is very fortunate when national affinities and external fitness concur in defining it, and giving it the conditions of strength.

The actual state at any one time is likely to be a compromise between these natural agencies in its formation, and the violence which it has suffered in warfare. The historic forces, mainly expressed in the subjugation of the weak by the strong, while they can never, for a very long time together, overrule inherent conditions of union, have the most immediate and manifest influence in shaping states. The state, though the product of these and other agencies in very different and constantly shifting proportions, rules for the time being by essentially the same rights, and con-

forms to the same principles of change or growth. No state is wholly rid of tyranny, is completely rightful; and the different degrees of bad construction within itself and in reference to other states, do not fundamentally vitiate its authority, or render legitimate its overthrow, except under definite laws of progress. If only rightful states were right, the legitimacy of government would be well nigh lost. Civil duties rest on the proximate and possible, not on the perfect and impossible.

§ 2. The state has been referred in its authority to the Divine will, to the nature of man, to a social compact, to the immediate assent of the individual, to an interior, organic growth of its own. These theories are all sustained by important considerations in the problem, are each unsatisfactory when regarded as in itself sufficient and final, and all need to be replaced by a more simple statement of the facts.

There is certainly a sense in which theists may refer the state to the will of God, as the will of God underlies all social order. When, however, this statement is offered by Paley or Bishop Butler as a theory of civil government, no real progress is made, unless those relations in the nature of men or of society which are the immediate expression of the will of God, and so the immediate ground of government, are pointed out. It is these that we are inquiring for, as the will of God gets no expression or direction or proof without them. If then we approach this question of civil government as theists, we must none the less discuss it under the broad principles of natural rights, of the con-

stitution of man and of society. It is thus every way better in an inquiry of this kind, to involve no other questions, and to give, if possible, an answer which may have force alike for the theist and atheist.

The practical difficulty of this reference of the authority of the ruler to the will of God, is the fact that this will is so often brought forward to sustain some form of tyranny, and owes its immediate explanatory power, not to any interpretation of the constitution of society, but to some private rendering of Revelation. This was the service the doctrine was put to by the popes in the Middle Ages, claiming, as vicegerents of God, a supreme power over kings. This also was its service in the civil wars which preceded the Revolution in England. The general spirit of the theory has been adverse to liberty. It has been regarded as contributing a direct and sufficient justification of any existing civil authority. This is of course to cut short all questions of right and revolution.

The reference of the state by Aristotle and Grotius to the nature of man is too general to serve finally and well the purpose of explanation. The very problem is to trace more distinctly the sequence of the state from that nature; to indicate (1) the forces which secure the movement, (2) the points at which duties and rights attach, (3) and the principles which guide development. The general statement easily affiliates with the doctrine of a social compact. Grotius assumes this tacit assent of the individual to the government of the state as its basis. This tacit assent, regarded as the concurrent action of all, be-

comes the Social Compact of Puffendorf, Locke, Bacon, Jefferson.

This theory of a social contract, underlying the state, has much to commend it in its practical relations and results. It has been brought forward in recognition of the rights of the people, and in assertion of the great fact that the ultimate rectitude of government must depend on its relation to them. Civil government thus ceased to be primarily a question of the rights of rulers, and became far more one of the rights of subjects. Yet even this theory could be so developed as to give rise to a new and most searching tyranny. This fact is seen in the very influential works of Rousseau. The state once established on the consent of the subject, had nothing to check its authority, and might pursue the most arbitrary ends in the most remorseless way. The cruelty of an unrestrained principle was seen in the French Revolution.

The objections to a social compact as a sufficient theory of government, notwithstanding the attention it draws to the will of the people, are final. First, it is in the great majority of cases a pure fiction. No such contract has underlain ninety-nine hundredths of the governments of the world : nor does this fact alone make them less legitimate governments. The notion of a social compact, like a fiction of law, is brought forward to give a formal ground of action, or a plausibility to a conclusion not otherwise present. It is a pure fabrication ; so also is, in a great measure, the tacit assent of the individual to the authority of the state, unless we are to understand by tacit assent an over-

sight of the entire topic, and silence in reference to it. The great majority of subjects have never felt themselves asked, and have never asked themselves, whether they accepted the government under which they were found. They would almost as soon have inquired whether they gave their assent to the sky over their heads and the earth under their feet. This want of concurrence is most manifest in connection with those on whom government has rested with most weight. Its authority has been largely employed in constraining those whose tacit consent could not be inferred, since in place of it there was open dissent.

That assent and dissent were admittedly or impliedly present, and have had great weight, may, in a few instances be true; but they have not in the great majority of cases been present, and civil governments have maintained their authority and pursued their lines of progress quite without them. Yet the development on the whole has been a legitimate and morally justifiable one. Civil government in its growth may be likened to language. Language will grow with or without the conscious effort to that end of those who speak it. As cultivation increases, a direct control of speech, more or less extended, will come with it. We may call this later growth more rational, and hence more legitimate, than the earlier growth; but it is no more real, nor any more authoritative. So the growth of a state by the consent of its citizens is no more certain, no more founded on the nature of things, than its growth by prevalent forces pushing on blindly to this result. It is simply a later, higher,

better growth ; that is all. The government of the United States rests on a social compact called a constitution, advisedly sanctioned by a majority of the people. It is not, therefore, any more certainly and justly a state than is England, where government has reached its present form by a series of changes rooted, as a whole, in the prevailing wishes of her people, but by no means directly sanctioned by them, nor arising coëtaneously with the national desire. In many instances it would have been impossible that such a sanction should have been secured. That is to say, a state may ripen its powers just as certainly and as legitimately in the hands of a portion of its citizens as in the hands of them all.

Secondly, if such a contract were a fact, it could not, in consistency with the principle of popular assent on which it rests, be passed on from generation to generation without constant renewal. The social contract is all the better for being a fiction in the first instance, since it evidently must be one in its transfer. Of how little moment is it in reference to us, that our forefathers gave their assent to the constitution. We have given it no such explicit affirmation. If, as a fact, it were out of harmony with our times and oppressive, we should not withhold our hands from it because of their consent.

If we are to assume a tacit consent, a social contract, we may assume it for any government that happens to be. Unless, then, we have some definite way in time and place of expressing and re-expressing the wish of the people, our assumed social contract can be brought forward in behalf of one government as readily as of another ; for the Con-

suls of the French Revolution as for the Assembly; for Napoleon as for the Consuls. Assent must first be resolved for each man into actual assent, or it becomes an assent that may be assumed in behalf of any government that is not now entering on revolution. The empire of Napoleon was justified by an implied choice.

Thirdly, the doctrine of a social contract would break down if we allowed it to be a fact, and an ever renewed fact, because it is not able to explain by what right a majority rules a minority. This minority may be governed without their consent; the government can not, therefore, in reference to them, assume even a tacit consent, for they have expressed their open dissent. There has been a series of years in which we would not have dared to leave the presence of the Southern States in our own government, to a popular vote; certainly not to a popular vote in those states themselves. If we say that a government of the majority is a necessity of the case, very well. We may be correct, but government no longer rests on the consent of the governed. We have now made it repose on ultimate principles in the formation of society, and we need to inquire whether these principles may not sometimes also justify the rule of a minority. Indeed, in these same Southern States, what are existing revolutions but a declaration, that with their present mixed population, with a preponderance of ignorance and corruption, the rule of the majority can not, as a matter of course, be accepted?

This objection prepares the way for another allied one, and that is; that the individual has no such rights that,

yielding them to the state, he can habilitate it with sufficient authority. Punishments, more manifestly those extending to life, must belong to the state alone. The individual has no such right over himself or over others as to be entitled to inflict them. The state must be at liberty to inflict these penalties directly against the wish of those who suffer from them, and, in times of popular violence, against the wish of a majority. It can then raise no questions of majority and minority.

The government must also broach many questions, deal with many interests, lay down many laws, which do not directly touch the individual, and with which he would have nothing to do in his private sphere. The government may require his services and his property in carrying out those schemes which spring from its own independent being and objects—that is, a being and objects independent of the immediate private wish or power of the subject. Thus a state may enlarge or contract its territory, perfect its internal strength, and establish general laws in reference to which the individual as an individual has no shadow of right. The power of the government is broader, greater and more inherent than the doctrine of delegation by the subject provides for. The rights of the subject, and the legitimacy of the government as it respects and protects these rights, still remain true; but the fact must also be recognized, that the state is not a mere creation of the citizen, any more than the citizen of the state. The two are dependent and independent parties to a complex relation, that can owe its legitimacy only to a conformity on

both sides to broad inherent principles. The modern idea, as expressed by Spencer, is as one-sided as the ancient idea, prevailing in the Grecian commonwealths. The individual is not primarily a centre around which the state is to be constructed, nor is the state a controlling organism in which the individual is swallowed up. The two correlate constantly and closely with each other. The state must be judged by the way in which it subserves the interest of the individual, and the individual must not stand in the way of the state, which contains not his life alone, but the lives of his fellow-citizens. The state is for the citizen, but the citizen in turn is for the state, even to the article of death.

The theory of a social contract fully developed leads us to the doctrine of Spencer, that the authority of the state is derived from the immediate consent of the subject. But this notion if pushed leads in turn to practical anarchy.

“As a corollary to the proposition that all institutions must be subordinated to the law of equal freedom, we can not choose but admit the right of the citizen to adopt the condition of voluntary outlawry. If every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man, then he is free to drop connection with the state—to relinquish its protection, and to refuse paying towards its support. It is self-evident that in so behaving he in no way trenches upon the liberty of others; for his position is a passive one; and while passive he can not become an aggressor. It is equally self-evident that he can not be compelled to continue one of a political corpo-

ration, without a breach of the moral law, seeing that citizenship involves payment of taxes; and the taking away a man's property against his will, is an infringement of his rights. Government being simply an agent, employed in common by a number of individuals, to secure to them certain advantages, the very nature of the connection implies that it is for each to say whether he will employ such an agent or not. If any one of them determines to ignore this mutual-safety confederation, nothing can be said except that he loses all claim to its good offices, and exposes himself to the danger of mal-treatment—a thing he is quite at liberty to do if he likes. He can not be coerced into political combination without a breach of the law of equal freedom; he *can* withdraw from it without committing any such breach; and he has therefore a right so to withdraw.”*

Plainly the law of the state, as independent law, disappears. The election or rejection of the citizen sets it up or casts it down at once and as often as he pleases. It is difficult to see on what ground one who rejects citizenship in the midst of citizens would stand. He may be resisted in actual depredation under the primitive principle of self-defence, but no duty can be laid upon him nor tax collected from him, and apparently no power of legal redress be applied to him.

Evidently, this is not, nor ever has been, nor ever can be the foundation of the state. When the assent of the individual becomes the sole and sufficient support of the state, we shall have reached that condition of complete

* Social Statics, Spencer, p. 229.

intelligence and virtue which abolishes the state as a constraining power. Such a theory of right in the state is most applicable at its minimum, and least applicable at its maximum, service. The theory of individual consent as the foundation of civil government logically reaches this result: it thereby reduces itself to a *reductio ad absurdum*.

It is natural that so extreme a view in one direction should be followed by an equally extreme one in the opposite direction. The counter-statement appears in its boldest form in "The Nation," by E. Mulford. He lays down and sustains in succession these propositions: "The nation has its foundations laid in the nature of man. The nation is a relationship. The nation is a continuity. The nation is an organism. The nation is a conscious organism. The nation is a moral organism. The nation is a moral personality." These assertions start in sober truth and rapidly pass into the intoxication of an audacious figure. Of course if the state is a moral personality, we can be at no loss as to the source of its rights. The individual, however, will be very likely to suffer who is called on in singleness and weakness to confront this mammoth and composite person full of underived powers and purposes. The assertion that the state is a person, though intended to redirect attention to the fact that there is a right in the state independently of the choice of its subjects, is plainly too figurative to carry any weight with it. The state is so far organic, that the forces which construct it work often unconsciously and necessarily toward their end, and bring forth the particular state by a plastic power of their own.

Yet the state itself is no more a person than is language or national customs. We must seek, therefore, some reconciliation of these two diverse and at times opposed tendencies present in the formation of the state ; the choices of the citizen and the unconscious organic forces contained in the conditions that surround him. We shall find this reconciliation by considering first, the origin of the state, and secondly, the notion of rightfulness which accompanies it in every stage of development.

§ 3. The first well-defined organization among men is that of the family. Though a vague sense of right, expressing itself mainly as custom, comes feebly in from the beginning to preside over its formation, earlier results are due almost wholly to natural affections, narrow sympathies and restricted interests. Later results depend and increasingly depend on customs into whose formation some perception of duty has entered, as well as these instinctive tendencies.

The state grows out of the family, partially by an extension of its sympathies and still more by interested motives ; on the side of the ruler, the love of power and wealth ; on that of the subject, greater security and a participation in the strength of the tribe or the nation. A household can not grow in its secondary branches, dependents, servants and slaves, nor maintain continuously the allegiance which readily falls to it in its collateral branches, without passing at once into the tribe. The tribe, securing its unity chiefly by this affiliation of kindred, customs and social sympathies, may be very weak in

its government, as was the case with the aboriginal tribes of our own country. The exigencies of war, which is the normal condition of barbarous tribes, are sure to bring forward those who have the power to lead and to rule, and the greater safety and influence of all, incident to leadership and government, serve to maintain their authority. Hence the formation of the state is strongly fostered by the natural love of power, and by a natural selection which adjudicates at once in favor of the tribes in which organization prevails. Having fairly gotten beyond the limits of the ties of the household, the nation is the product of warfare, and owes its strength chiefly to the vigor of martial government. The motives which control the several members of the state and result in its formation and maintenance are very simple. They are primarily those of interest—the eagerness of the ruler to rule, the willingness of the subjects to be ruled; a sympathetic appropriation on his part of the sense of power extending down even to the slave, and the more substantial appropriation of its common advantages. To these interior motives that bind the state together are to be added very influential negative conditions. Nothing can well oppose itself to government but organized rebellion. There is thus no escape from government except in government, and that at a heavy cost.

The great monarchies of Asia were the growth of war. The interested motives, then, which man's position brings to bear on him in connection with his social nature and his powers are quite sufficient to explain the incipient state, precisely as they explain the incipient family. Rights and

duties, a moral sense showing itself in customs and restrictions of various kinds, appear as early as government, and work their way into it more and more as it advances. The growth therefore which springs from desires and passions begins at once to be shaped by a moral nature, though very slowly, into justice and constitutional law. When the nation is progressing toward unity, and striving to establish a sufficient central authority, there will certainly be tyranny; but as soon as this first strength is secured and the evils incident to it are felt, there will begin to arise in its consolidation permanent limitations, and so at length liberty. What are the underlying principles which in every phase of growth determine the legitimacy of government? As the 'star of empire,' rising in Asia, has moved westward through Europe, empire itself has been wonderfully altered. What has been the law of change? How has the absolutism of Asia become the legitimacy of Europe, and the liberty of America?

§ 4. That government is legitimate which exists in furtherance of public liberty. By public liberty we mean the aggregate liberty of all the members of the state. Their liberty must be judged, however, in the light of present powers and not of imaginary ones.* While the phrase, *public liberty*, is a concise and convenient one, if it is to serve any useful purpose, it must be carefully defined.

Civilization is the calling out of human powers, and giving to them new conditions of development. The aggregate power of a civilized nation is much greater than

* Hickok's Moral Science, p. 174. Sidgwick's Social Statics, p. 267.

that of a barbarous one. This aggregate is made up both of the additive powers of each person, and the greater conjoint powers of all, due to organization. A community may be said to be civilized in the degree in which this sum of its powers is increased in variety and enlarged in volume.

A government is legitimate, first, so far as it gives the best attainable conditions of civilization; secondly, with the least restraint of individual action; and thirdly, with the largest participation of the subject in the activity of the state. The cardinal condition is the best attainable conditions of civilization. These conditions are all in the service of powers and so in the enlargement of liberty. We are never to think of liberty as the opportunity of doing any thing we may wish, but as an extended potentiality in reference to things desirable to be done. But the conditions of civilization are exceedingly expansive and are serial. They can not be all attained at any one time. They arise in order. It is sufficient if the government acts in the direction of those immediately attainable. And by attainable, we are not to understand abstractly attainable, if men desired them, but actually attainable considering the present personal agents by whom and for whom they are to be reached. This consideration may involve, and usually does involve, an immense reduction of the attainable. The government of the state is planted in the very midst of all personal limitations, and can not be called on to do what there are no immediate means of doing. All action of the state must be the product of sufficient sentiment, and nourished by fitting intelligence. Till, therefore, a condition of

civilization is potential in the minds and hearts of a considerable portion of the people, it is practically unattainable.

These conditions are to be attained with the least reduction of individual freedom. They are however, if attainable, to be attained. Just here there arises a fundamental difference of opinion. Many are ready to assert that there are natural rights which belong to the individual, which the state may not infringe ; that these rights underlie the state, and so are not subject to it. This underlying law finds succinct statement in Spencer, and is the foundation of his entire theory of society. His first principle is, "Every man has freedom to do all that he wills, provided he infringes not the equal freedom of every other man." * A state constructed on this law is not organic within itself, but simply protective of the independent organic centres found in the individuals. It is a conservatory of germs which have each their life and their value, but it itself has no combining, nor properly organizing, power in reference to them. If the state has a development and so a law of its own, it, as the superior combining power, must often overrule and reshape the individual, precisely as the tree modifies its buds. That this is the fact will appear more and more clearly as our statement proceeds. The second point we make in our cardinal outline of the rightfulness of government is designed to protect the individual from needless interference. And that interference is needless and pernicious which is not necessary in securing the best attainable condition of the public prosperity.

* Social Statics, p. 121.

That is to say, the life of the state, while supreme within its true line of development, must be conscientiously kept to that line.

The third condition of legitimacy is, that the government shall, so far as practicable, be under the control and administration of the citizens. We are disposed at the present time to put foremost this which is the least of the three considerations, rendering a government legitimate. The tendency arises from the fact that it has presented itself but recently to the thoughts of men, and is now claiming, as a practical truth, chief attention. The primary strength of the state lies in its furnishing the best conditions of progress. The most essential thing in securing these conditions is, that they shall be secured with the least limitation of individual liberty. Many, indeed, are willing to affirm that these conditions at best are only apparent, and not real conditions of development, if they, in the least, break in on the charmed circle of personal rights. This view, however, gives that circle an absoluteness and independence which do not belong to it. The organic forces in society are as real and self-contained as those in the individual.

The last and least consideration is yet one which lies in the direct line of the other two, and perfects and fortifies them. It is that the rights of citizens shall be as broad and equal as possible; that the government of the state shall rest for support and administration as directly as possible on its entire constituency. Men have a right to be well governed. They have also a right themselves, if

capable of ordering it, to order that government. The right to good government is obviously more fundamental than that to a given administration. When a citizen or any portion of the citizens of a state insist on an authority they are not able wisely to exercise, they violate the more fundamental rights of their fellow-citizens. On the other hand, when they are denied participation in a government with which they can safely be entrusted, their own rights are invaded. Majorities do not rightly rule because they are majorities. So ruling, they may most grievously violate the rights of minorities.* They rule rightly only when and so far as they give to the entire state the best attainable conditions of development. If a minority alone can do this, the right to do it passes over to them with the power to do it.

§ 5. The right of the state to be a state, as resting in its rulers, is obscured by an effort to derive it from other rights. This right arises in a primitive, and independent way, like those of the individual. We understand the rights of man by a simple statement of the conditions under which they spring up; we are to understand those of the state in the same way. The plainest, most primary statement of the facts gives to the rational mind the axiomatic basis of rights, as the most simple perceptions call forth mathematical truths. Given, the father, the mother, the children, and we have in the facts before us the clearest ground of the rights

* The exercise of arbitrary power in the absence of a healthy public spirit, even though it be by the people, is the abrogation of all constitutional restraints. "Democracy, when it arrives at this pitch," says Aristotle, "is equivalent to tyranny." Age of Pericles, Vol. II. p. 94.

and duties of the family. To these very facts, as facts, protection and authority on one side, dependence and submission on the other, belong. The rightfulness of family government can be made no plainer than by the full rehearsal of its conditions. When Spencer gives to the child the same independence as to the parent in the exercise of rights, he is at war with facts in their first moral force.

If certain men are found on shipboard, sharing imminent dangers, that organization is legitimate which enables them to meet these dangers. If there is attainable but one such organization, that organization becomes at once obligatory on each and all, and may be secured by all or by any, with or without consent, as the circumstances allow. It is not consent that makes it legitimate, but its own intrinsic fitness, the necessity which creates it. The man may seize the helm, either figuratively or literally, who is the man that can guide the vessel.

Mere magnitude of interests modifies duty. The state is ultimately for the individual, and so increases its claims by the claims of all citizens. This fact gives it at times the right to override the immediate interests of individuals. The individual has a natural right to go whither he pleases without obstruction from others. The principle which gives to each man a freedom to do what does not infringe on an equal freedom in others, would allow the citizen at any time to expatriate himself. Ordinarily the interests of the state will also suffer this, and then the right of the individual takes effect. But such exigencies may have overtaken the state, that it may require the help of every son of the soil. The

citizen has then no right to expatriate himself. The state may rightfully restrain him. When a duty has accrued, we can not be allowed to evade it any more than the criminal can be allowed to leave behind him his accusation and his sentence. The soldier can not be suffered to desert his colors, nor the citizen to desert the soldier. The supreme interests of all weigh down the individual interests, and put limits on choice. The state can only maintain itself by this command over its subjects, and as the state is the collective common weal, it has a right to all the means of self-preservation.

Given a state with a government that can rule, and does rule, well, so well that no better government can here and now be put in its place, and that government is sanctioned, as all moral action is sanctioned, by the seal of facts. An action needs no other sanction than that it is well done. D has no occasion to look to A, B and C for the approval of his acts, or C in turn to A, B and D, as if duty rested, not on a question put to each individual, but on one that went round in a circle through them all; and as if duty stood the chance in the end of being rent asunder by a divided vote. The only way in which E's action is affected by the assent or dissent of the other three, is in its intrinsic fitness. It is not voted right or voted wrong, yet a vote may be one of the conditions to be contemplated when pronouncing it to be right or wrong. We regard then the rights of the state as coördinate with those of the individual, and as arising, like them, directly out of the collective facts. The truth seems to be, historically, that

the rights of the state are first developed, and those of the individual found and defined under them. Violence is first staid by government, and then its strength is slowly turned into helpfulness. We summarize this truth of the origin of the state in a proposition, and give concisely its proof. The state rests on such inherent and universal conditions in the constitution of man as to become a necessary outgrowth under an organic law of its own; its immediate rightfulness is determined by its present relation to its own line of growth as defined by the public liberty.

(1) The actual growth of the state has been such as this proposition recognizes. Either governments have been wholly wrong and mischievous, and social progress has not been moral progress, or we must recognize fitness in the forces which have built up the state in so many forms, and see a wholesome law in the slow approaches made towards liberty in each successive stage. The primary, constructive powers of the state have not been directly moral, but the moral law has begun at once to limit and direct them. Indeed the moral law is a law giving a rational form to actions that have under it their own subordinate ends and impulses. The notion of Spencer that moral action is exactly right, and pertains to a perfect ideal state, is erroneous. There is no final ideal state. His ideal is not ours, nor can it remain his own as his thoughts progress. Nothing is more capable of degrees than moral action. The law shifts in the form of its application with the circumstances it takes up. If the moral law found an application to government only in an ideal way under ideal perfection, it

could have very little to do with us. The manner of its presence in the world is what we are interested in.

(2) If the moral law does not apply to actual progress in its chief features, that law is ruled out of the world. It could not come in with a *saltus*, when a perfect state was reached, since that state itself would have been entering slowly from the beginning, and be now complete in its own forces. As the general progress of the race is made under the balance of existing forces, the moral law must take its place among them, and that progress must be a growth legitimate in its successive stages, or morality and the rights incident to it fall out altogether. If the attainable, be it less or more, in the line of public liberty is not the legitimate and just thing, then legitimacy and justice are quite foreign to our experience and desires. The real office of morality is that which we have assigned it—the working up of crass material under its own refining law. We are not bound in morals, any more than elsewhere, to reach at once the goal. The stages of progress are as legitimate as the ends pursued, and all alike are judged in their relations to growth. Government is not made moral, any more than it is made rational, by a convulsion but by an evolution.

(3) The principle enunciated by Spencer, and which meets with so much acceptance elsewhere, that “Every man has freedom to do all that he wills, provided he infringes not the equal freedom of every other man,” is wholly ideal and practically false.

The relation of equality to liberty is one of difficulty and of great interest. The motto of the French is Liberty,

Equality and Fraternity. The English are said by Gladstone to love liberty, but to reject equality. We suspect that these two sentiments, as held by the two nations, represent opposite extremes, and that a tenable moral ground can only be found mid-way between them. Certain it is that equality is not like liberty, a primitive principle. If a man possesses any powers, those powers, to their own extent, give occasion to a just demand for liberty. But the liberty in turn is proportioned to the powers. One can not claim the privilege of doing with and for his fellow-men what he can not do, or can not do well. The ineffectual effort is made at the expense of human comfort. If this trying to do what one can not do, involves no mischief, very well, the effort can proceed. But if it does involve the public safety, all are interested and may set limits to it. Equality is primarily a question of facts, and as a fact, men are not equal. They can not bring equal powers to the public service, and that service can not therefore assign them equal positions. To assume equality among men as the basis of rights, and so of the state, is to make its premises and principles fanciful. When the French, therefore, put equality on the same footing with liberty, they quite miss the mark.

The English, on the other hand, have no right to be in love with inequality and legally provide for it as a permanent thing. Artificial inequality, inequality instituted and maintained by law, is, to its whole extent, destructive of liberty. It puts restraint at once on the development of powers. Inequality is a variable personal element, as well as one of class, race and sex, and the civil law must recognize this

changeableness, so far as practical safety and efficiency require it. As the state has to do with a variety of persons and a changing variety, its perfection must be found in a plastic adaptation to them. It can not safely overlook this fact, but neither can it infer that the fact is a fixed one to be defined and retained. No government has ever formally been constructed on the principle of equality, and none is likely to be for a long time to come.

So long as one half in our own country of the adult population remain disfranchised, and in many relatively free countries, as in England, much more than half, this statement is sufficiently evident. But inequality is more evident in the social conditions which accompany and supplement civil law than in the law itself. One may have the right to hold office and the right of suffrage, and yet in the exercise of these powers have no more liberty than attaches to his own personal resources. What a man may do and what he can do are very different things, and practical liberty belongs to the second, not to the first. One may vote and have little power to control even his own vote, owing to an overshadowing influence, legitimate or illegitimate, that surrounds him. He may not have the slightest chance to the lowest office, though the law does not withhold from him the highest office. When one secures official position and official influence, he gains a power under law that excludes his fellow-citizens from the like power. It is often spoken of as a moral anomaly in free governments, that the wisest man and the most vicious one have the same controlling voice in their management. The anomaly is found in the

superficial bearing of the facts, and is due to the conciseness of civil procedure ; it is not in the very facts themselves. Each man enters on his franchises with his own powers, and they become in his hands what these powers make them. Intelligence and virtue are not equally matched with ignorance and vice simply because they are tilting in one tournament.

Spencer's first principle is not applicable to the facts. "Every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man." The true, practical freedom to which we have a right, is the exercise and growth of our powers, unobstructed by civil law except as civil law is pursuing wisely its own true end. The facts of the case, the necessities of civil law and the inevitable conditions under which it finds administration, unite to make an equality of powers impossible, and the realization of one man's powers must often bring at that very point a corresponding restriction to those of every other man. Recognizing this fact in the case of landed property, Spencer insists that the individual has no permanent right to real estate. The truth is, equality is wholly ideal, and has no significance except as interpreted by liberty—the opportunity to use on equal terms of competition what one has. A government meets its moral duties in this direction, (1) if it burdens the citizen with no artificial, legal inequalities. The peerage of England is a mischievous product of law by which the natural rights of men are narrowed, and the common conditions of life arbitrarily altered in behalf of a few. It is the first duty

of the state to create no distinctions for any narrower objects than the well-being of all. Its action in this direction is then confined to the honors incident to its own administrative functions. This principle excludes franchises which have a personal taint.

(2) The state may not withhold any civil right from any portion of its subjects except in the plain protection of the public weal. The presumption is always in favor of liberty. Valuable powers are not to be repressed by conjectural evils. These powers, in their very exercise, disclose new adaptations and set up fresh safeguards. Government is instituted by the rising of personal powers to the surface. Hence it starts in very extended restraints. Rights under it are to be gained, liberty is to be won. The bud is not recognized till it has pushed. This fact is conservative and safe, and the government does well that rubs out no buds, but admits to a legitimate activity all powers that are ready to vindicate themselves. Civil law necessarily moves tardily and in a palpable, gross way. It can not reasonably be expected to anticipate events, nor in franchises to deal much with individuals aside from the classes to which they belong. It is on the whole no damage to human rights to require patience and perseverance in their pursuit on the part of those who are to exercise them.

A state ought, indeed, to take sides always with progress, and to be chiefly interested in the mass of its citizens. Yet, as the many are blind and headstrong and selfish like the few, and have less intelligence and fewer con-

straining motives of interest, and as government necessarily descends in administration through the hands of the strong, we can set up no Utopian standards. Progress must be realized under the pressure of conflict, and the presumption of right will remain with the ruler, till it is removed by the calm strength of the subject.

The word equality has been farther defined by equality before the law. This phrase expresses a very important, though somewhat evanescent, truth. The gist of it is that each citizen is to be treated exclusively in reference to his relations to the public weal, and that no private, personal considerations are to determine his status. Personal identity goes for nothing, and those relations alone in which it is found to the interests of the state give it civil character. The criminal is not a criminal as a person, but as a man who has done certain things. The fitting demand of the individual under the state is that he shall have all the liberty in the exercise of his powers that is consistent with the well-being of the state. The law must often be very general in its provisions, simply because the power and intelligence with which it carries them out are very limited. Thus a whole class may lose a franchise because the majority of the class are incapable of its safe exercise, and the state can not discriminate. In like manner, the law leaves much open to be done, simply because it can not be done in the existing social state. Liberty that is consistent with enlightenment and the freest thought implies always increasing restraints. These restraints however, have been transferred from civil law to social sentiment, and when

they are lost in social sentiment they must reappear in law. A man may be allowed to try to do a great deal, as in winning office, nine-tenths of which it is from the nature of the case impossible that he should do. That is to say, if there is a vigorous, wholesome public sentiment, a corresponding portion of the burden of providing for the public safety is lifted off the law and borne by it. The ideal state would be one in which natural limitations were the only limitations, but this implies, and must be preceded by, a public virtue sufficient to accept and enforce all rights under free competition.

But if, in defining civil rights, we reject the first principle of Spencer, what shall we put in its place? Every subject is entitled to the exercise of his own powers in free competition with the corresponding powers of other subjects, all being alike limited by the public weal. But this involves an acceptance of the normal results of competition. A victory gained can not be instantly denied, simply that the battle may be fought over again. Society must be kept fluent, yet it must be relatively fixed, otherwise the very end of fluency is lost. Thus, in the human body, the changeable and the permanent are in slow periodical interplay. Franchises can not fluctuate with every passing breath of reason. General fitness and slow correction are all that are to be hoped for or even wished. The foundations of justice or of legitimate relations under civil law may now be more clearly seen. Authority may be unjust in regard (1) to the persons who administer it; (2) the ends for which it is administered; (3) the spirit in which it is administered.

In each case its relation to the public liberty decides its character.

There is an impersonality about law and the law of the land which is expressed in one word, justice. That action is just which contemplates alone the civil exigency — the law which expresses and protects the civil interest, and has no respect to persons. It is the struggle of private feeling and selfish interest with common rights and the public weal that is proscribed and cut short by justice. A personified liberty must be supported by a personified justice, in her right hand a balance, blind to persons yet quick in the insight of principles, an arbitrator between men in the conflict of rights.

Let us not mistake justice. This is what she is and no more. She rules over men as possessed of common relations and individual aims, and prevents the confusion and collision of the two.



CHAPTER VIII.

Duties in the State. Its Form and Development.

§ I. THERE are these three elements ready to assert in the state their separate strength; individuals, classes and the people. Government is usually a compromise between them, but has received its leading designation under the idea that one or the other of these elements is prevailing. We have thus monarchical, aristocratic and

popular governments. These three divisions of government but very partially express the facts. It would often be difficult to place a given government under any one of them, as it may easily include features of all these forms. A monarchy is a government administered by one supreme ruler, yet a state may retain the form of a monarchy, when it has passed by a long growth of limitations and additions into a free government. An aristocracy is a government administered by a class of citizens to the exclusion of other classes. As the class may be more or less numerous, we have here all the varieties of oligarchy. A popular government is one administered by the entire body of citizens. These citizens, in an ideal form, would include all permanent, adult, normal inhabitants. Popular government appears in two forms, democratic and republican. In the one, the people act directly ; in the other, through representatives. A democracy is therefore necessarily limited in territory. If its territory is extended, the government becomes, in reference to outstanding portions, little better than a monarchy. A republic admits indefinite representation, and so indefinite extension.

The two extremes of government are the monarchical and the popular—the rule of one or the rule of all. This last extreme has not yet been fully reached, but remains the ideal terminus of a theory. Aristocratic rule is a very variable form between the two. It has little significance historically as a distinct type of government, but great significance as an element in mixed governments. An aristocracy is a government of unstable equilibrium. There can be

movement in it in neither direction without a decided tendency either toward a monarchical or toward a popular form, as the only two points of relatively stable rest. Nor is an aristocracy easily defined in fact. The democracies of the Grecian cities, as that of Athens, with four-fifths of its population slaves, had as much of the oligarchical as the democratic spirit. The governments of the Grecian states, when they were not tyrannies, were oligarchies with varying breadth of representation.

Aristocracies are usually either weak antecedent forms of government, going before a monarchy, like the advisory council in an Indian tribe, or divided feudal authority; or they are transition forms in the passage from monarchical to free institutions. Of this character was the government of Rome by the senate. Aristocratic governments need but little attention as they are rarely fortunate while they last, and can never be permanently acceptable. They are not logically coherent. They first admit and then repress a principle. They extend the franchises of government, and afterward violently cut them short.

A monarchy is the first stage in development of government over an extended population. Its chief merits are unity, permanence and efficiency. It is the most direct way of reaching a vigorous rule. When the state is struggling into being, is emerging from mis-government and no government, from the feebleness of a weakly coherent tribe, and is passing by combination and conquest into a nation, individual strength is sure to assert itself. Authority is the thing most needed. Liberty, which has all along

presented itself as license, as lawlessness, is the thing to be escaped. Personal quality, the prestige of power, the glamour of station before the popular vision, concur in the same result. Next to being their own masters, men delight in being the servants of great men. This pleasure precedes the deeper love of liberty, and is more available on the instant than it. Hence a firm, extended monarchy becomes the first decisive step of development. In this way Europe emerged from the distraction incident to the conquest of wandering tribes through the transitional form of feudalism into settled governments.

This point made, the actual construction of a real state, the long march is at once begun toward liberty. Having law, liberty is next in order. Though some states are approaching the goal, the majority of states exhibit, both in the interior spirit and the exterior forms of government, the mixed results of a growth far from complete.

§ 2. Mixed governments and popular governments are, therefore, of chief interest in the civilized world to-day; the one as the transitional, the other as the ultimate fact. The most fortunate example thus far of a republican government is that offered by the United States. The success of our institutions has led us to put a high estimate on their theoretical merits. They are doubtless, however, less universally applicable than our partiality for them has led us to suppose. Their success with us has been due greatly to our exceptionally favorable situation, and to the spirit of our people. Relieved of the pressure of strong nations, and planted midwise in a virgin continent, prosperity and

contentment have lain for us in the open hand of nature. The conservative sentiments, which are the inheritance of the Anglo-Saxon, appearing in full force in his civil institutions, and which render him so open to a free and religious life framed in by law, have hitherto belonged to us in a high degree.

No free institutions have been better fitted for territorial extension than those of these states. This is their most remarkable feature. A double analysis has been made. The functions of a strictly national sovereignty have been gathered into the government at Washington ; while local interests and local authority have been relegated to the separate states, or rather from the outset have remained in them. The vigor of our colonial history is expressed in this feature of our government. A like inner division belongs to the states in which the town system is fully established. We have in these first and most significant units of the state true democracies, in which the free citizen is trained. This repeated division of the functions of government greatly reduces the clash of local interests, spreads political power evenly in all parts of the nation, subdivides the excitement of public interests, and gives the resistance to any sudden or tyrannical national policy the opportunity to gather strength legally in the action of separate states.

There are two principles which have with us the force of traditions, though they are not wholly successful here, and might not be applicable elsewhere. They are the independence of each of the three branches of government, the legislative, executive and the judicial ; and the division of

legislation between two houses. The sobriety and essential unity of our people have enabled us to bear this division of the functions of government, yet to keep its several branches in practical accord. So long as these branches are limbs of one body, and controlled by an omnipresent national life, this separation of functions is safe and advantageous. As the national spirit, with our diverse population and broadening territory, is losing every year something of its spontaneous integrity, this division of the functions of government is increasingly liable to become a division of the government itself. It is time, if we would anticipate and prevent revolution, that we began an effort to harmonize more perfectly the executive and legislative branches. As the great measures of the administration require for their success the sympathetic support of Congress, there should be closer contact between these two allied parts of our system. There should be an opportunity for the free discussion of each important measure on one side, and for the full defence of it on the other. Ultimate action should be the product of a deliberation in which both branches of the government have taken part. Congress should be, as it is not now, a party to the immediate responsibilities involved in the administration of the state.

The division of legislation between houses is a device of somewhat the same character. It belongs to a people who are united and can thoroughly trust themselves, but can not so completely trust their representatives. Its purpose is to check legislation, and to secure two outlooks and two tempers in reference to it, one in either House. If however

the nation is strongly divided into classes and parties within itself, as is the case in France, then the result aimed at may be the great danger to be avoided. It may be quite possible for two Houses, differently constituted, to bring the government to a dead-lock. Even in England, the House of Lords has been compelled to fall into the shadow of the House of Commons.

The government must secure unity, or its administration becomes impossible. If it reproduces between its two Houses deep and chronic divisions of sections, classes and parties, it is sure to be pulled in pieces by them.

§ 3. A most fortunate type of a mixed yet free government is that of England. Liberty, as a higher embryonic life, without removing the forms of monarchical and aristocratic institutions, has absorbed their substance and re-directed their strength to its own ends. The world does not elsewhere offer so continuous and so fortunate a growth of free institutions, with so little violence, as in England. The movement, slowly progressive since the Norman Conquest, has been rapidly accelerated in recent times.

The first conflict in constitutional government lay between the king and the nobles, as a parliamentary council. Decisive checks on the royal authority, especially in the matter of taxation, were slowly established. Parliament first grew into strength as an aristocratic body. Yet the popular element early appeared in it, and, from an irregular, concurrent council supporting the Assembly of Lords, became a permanent, independent, coördinate branch. The nation thus in its first stage of growth planted

the seeds of a second stage. The House of Commons gained constantly in legislative influence. It has absorbed the executive branch as a cabinet government. It has wrested from the House of Lords its coördinate authority. Its basis of representation has been comparatively equalized and greatly broadened ; and it is now the seat at once of national strength and popular interest.

A variety of fortunate causes favored this result. (1) Violent contentions between the king and the lords were incident to the weak authority of the early Norman kings. (2) Their quarrels, in several instances, were still farther provoked by the personal perversity and feebleness of kings. The nation was as fortunate in the weakness as in the strength of its rulers. Henry III. and Edward I. alike contributed to free institutions. The rudiments of the House of Commons appeared under the one king, and became permanent under the other. (3) The great mass of the people, Anglo-Saxon in race, trained in comparatively free institutions, and with little sympathy for their rulers, were prepared to avail themselves of any quarrels to advance their own influence, and to promote the freedom of the nation. (4) The insular position of England protected her from foreign invasion and made a large standing army unnecessary. (5) The military power, chiefly marine, has not endangered the public liberty. A web-footed navy, confined to the seaboard, as compared with an army that can shake with its tread every foot of land, can offer but little resistance to political liberty. (6) The character of the people originally firm and coherent, has gained legal quality with every generation.

The most peculiar feature in this government is a cabinet administration, which, preserving a monarch for formal purposes, has largely transferred his power to the House of Commons. Its advantages are the directness and immediateness of control which the popular representatives have over the ministry. There can be no conflict between the executive and the ruling legislative branch of the government. Great as this gain is, it is not won without grave compensations. The political struggle is intensified by holding every instant as a latent issue, the possibility of a change of administration. Thus no important question can be treated exclusively on its own merits. No material diversity of opinion can be allowed within a ruling party, and no large freedom of private judgment; for these endanger at once the urgent interests of all. Hence the restraints of political affiliations, the pressure of political motives, and the secondary inducements of personal interest, are always stringent. An adherent must be a partisan, and can not be allowed to overlook his collective party obligation for a single moment. A great many things called minor must be sacrificed, and what is there which will not be minor when the alternative lies between it and the consolidated advantages ascribed to the control of a party and its principles?

The less retardation of action which belongs to this cabinet administration, as contrasted with our form of government, may be either an advantage or a disadvantage. When a hasty sentiment possesses the people, it is fortunate that they can not carry it out at once; when an exigency arises,

it is unfortunate if it can not be met at once. We owe something to inertia, even though it be less than what we owe to momentum.

In a triple subdivision of parties a cabinet government might have no secure basis, and be subject to rapid fluctuations. When parties are forced to combine in reference to power with a medley of principles, in times of distraction and of strong partisan sentiment, the tie is at best a very weak one.

England stands in this particular feature of administration in marked contrast to the United States. Her position also in reference to other nations as compared with ours calls for much more immediate executive strength. The English method would seem to be more generally applicable than our own, and, as the strain of divisive interests increases with us, we may well learn something from it.

§ 4. The agencies at work in the development of a state may be grouped as two antagonistic tendencies: the historic forces which reach their own development unconsciously in reference to liberty, or in direct hostility to it; and, the oftentimes obscure, yet direct and conscious, purposes of the people in pursuit of their own power. In most states the first forces have the ascendancy; in a few, the second are uppermost; and in fewer still, as in France, the two are in vigorous and prolonged conflict. Among the historic forces will be present hereditary sentiments and religious sentiments adverse to popular rights, the remnants of monarchical institutions, and the traces of aristocratic classes and distinctions lingering in society.

The moral history of a state lies in the balance of these two sets of forces ; the one working toward restricted, the other toward free, institutions ; the one subordinating the interests of the many to those of the few, the other reconciling all interests in the commonwealth. A state is transitionally great in which each citizen has liberty according to his powers, and civil conditions favorable for the development of those powers. The ultimate goal of the state will then be defined by the ultimate goal of society. If growth belongs to the race and to all the race, the state must make way for growth in increasing liberty. We believe, therefore, the ideal state to include the civil equality of all adult persons, and the participation of all in the government of the state. The latent potentialities of each person, sex and class, if of one generic order, demand this. The minor shades of personal power will find sufficient recognition in the different uses which each will be able to make of common advantages.

This development includes the full citizenship of all resident, normal adults, and the extension of suffrage to all on the simple ground that all are rational beings, rightfully interested in their own social condition and government. Differences in the intelligence of classes, sexes and races will become increasingly secondary, and will give way before the far more fundamental fact of common powers and common interests. Specialties of power will express themselves in social relations, while generic agreements will appear in the civil system. Civil law will not venture ultimately to restrain any human being in any action which involves progress.

It is objected to female suffrage that women can not bear the burden of war. The objection is a good instance of secondary differences urged for the obscuration and nullification of fundamental agreements. There will always be much of this in the transitional stages of state development ; but the power which belongs to a more perfect state will allow and require more wisdom. The objection overlooks the facts ; (1) that peace not war is the normal condition of the state ; (2) that many men are not open to the conscription of war ; (3) that women do bear these military burdens in very important respects ; and (4) that her interest is as profound in war as that of man and of the same nature.

When a step forward has once been taken in suffrage, it will be very difficult to retire from it, even though it may be found to be somewhat premature. A right can scarcely be withdrawn without a revolution, as a retreat can not readily be made in the face of an enemy without a rout.

In municipal governments, like that of New York, in which a city has been brought almost to the limits of bankruptcy by debts, the results of prodigality and knavery, it will neither be found easy nor safe to restrict the popular vote. It may, indeed, seem to be unjust that the poorest of the people should vote expenditures which do not rest, as direct burdens, on them ; yet we can not easily, having accepted the more fundamental truth of the indivisibility of the common welfare, deny it again, and go to work constructively by squads. (1) An advanced position, directly and indirectly tends to reshape unfavorable conditions in

behalf of itself. A disastrous experience will teach, with its lessons of admonition and guidance, all capable of instruction. Responsibilities will sober and discipline those at all within the range of feeling them. Intelligent and benevolent persons will see the need of educating a populace to whom power is entrusted, and will have the strongest motive for the discharge of the duty. Reciprocal obligation between citizens will be brought sharply out, and wisely met. The motives to progress will all be left operative. (2) A withdrawal of suffrage will always have the effect of the denial and abandonment of a principle. As a recognized failure, it will long stand in the way of any resumption of progress. The movement will have ceased to be forward ; it will readily become continuously retrogressive. (3) It is to be remembered that those cases of fraudulent administration have more than one cause. The knavery of a few has found its opportunity just as much in the neglect and indifference of wealthy citizens as in the ignorance and ill-intentions of poor ones. The poor do not fall as a body into the hands of politicians, if the honest and intelligent accept their duties, and use to the full their personal influence. Rascality will discover avenues into any government which is not guarded by its subjects. Citizens have not exercised the eternal vigilance which is the price of good government.

Suffrage may, indeed, be withheld till it is won, and ready to be taken ; but that failure must be complete and hopeless which will justify an effort to withdraw it. We overlook also the fact that bad results, like those we depre-

cate, can be found under every form of government, and are sure to appear under any, when a remiss and immoral sentiment prepares the way for them. The influx of a foreign population, which is the occasion of our present difficulty, is itself a transient force. If we retreat the moment the danger is urgent, we shall win no great victory. (4) That such a measure must be revolutionary is plain, if we reflect that it will hardly be necessary till the unreliable vote approaches a majority, and will cease to be peaceably possible when the persons to be disfranchised must be called on to narrow by their own vote their own rights.

If suffrage is restricted, it should be restricted by a very significant and practical test. A property qualification is such a test. It is significant. Property ordinarily implies social position ; brings with it an increased interest in good government ; has especial burdens to bear ; and puts the person who possesses it under bonds to respect the laws. It is practical. The amount of property already appears on the tax list.

An educational test is only partially significant, and very difficult of application. No given amount of knowledge makes a good and safe citizen ; certainly the power to read and write does not. Knowledge is a test of obscure and perplexing degrees, and is applied with such difficulty as to make it ridiculous.

§ 5. The right of revolution rests on the same basis as the rights of the state itself. It is simply their transfer to a new point, when their old point of safe deposit has been lost. A disadvantage of emphasizing the divine ordination

of the state appears when we wish to push it forward in growth. The existing government has not only the nine points of possession, but a sense of rightfulness and authority is thrown about it independently of its relations to the common weal. If, on the other hand, the authority of the state is derived from the assent of the individual in the exercise of those primordial rights which belong to him alone, all movements toward liberty are pressed immediately forward with too little reference to existing conditions—or to the ability and disposition of those who are to enjoy the new powers and to use them for the common good. If the growth of the state is felt to be wholly organic and necessary, events are left to themselves, as incapable of acceleration or retardation. The advantage of directing attention at once to existing facts and public liberty, as the basis of civil rights, is, that the individual is thus made an immediate party to progress, and forced to a patient and practical consideration of all the interests involved. The existing state has rights, but rights that may be modified or lost by every change of circumstances.

Men covet a few simple principles that may admit of final application to all moral questions. This desire can be met but very partially. The whole complex problem must be brought forward in every case, and the guiding truths be shaped by the most variable conditions. The simplicity, therefore, which a theory may seem to secure in its tests of rights, is lost again when these tests are to be applied. We must ultimately give our attention in each instance of moral action to the very facts which the moral law is then and

there to shape. The changes incident to civil government are to be judged by their relation under existing circumstances to the best attainable conditions of civilization. They are to be justified or condemned on these immediate grounds and no others. In this relation the moral forces inhere, and there they must be found. A revolution, therefore, may be as legitimate as any of the stages that have preceded it, and prepared the way for it.

The condition of attainability must be closely pressed in all violent revolutions. The proposed change must not only be intrinsically desirable, it must also be attainable. So true is it that revolutions are only fully justified by success, that the revolutionist is rightly compelled to take his life in his hand, when he enters on his work. We may so far soften this rule as to judge with charity those who, with reasonable chances of success in the pursuit of a public good, have yet failed ; but we can never soften it in behalf of an adventurer. The greatly to be coveted form of progress is that which has so often appeared in the growth of the English constitution ; a series of distinct steps, each made without violence. The very frame-work of things may be so amiss that this shall not be possible.

Thus the French Revolution shook off at once social burdens that could hardly have been otherwise removed. Any change in the state which can be peacefully secured by a little more delay may well wait. The popular mind becomes the more awake to it and eager for it, and is thus prepared for its best and wisest use. A revolution is like a violent, yet remedial disease, which a wrong condition pro-

duces in the body of man ; while a peaceful one is like ordinary organic development.

§ 6. The state, in its existing form, is the product of very complicated causes, and causes very extended, both in space and time. These must all be understood in their bearing upon it. (1) The form of government will be shaped in part by the relation of the nation to surrounding nations ; by their military power, by the pressure they exert, and the temper which controls them. If a nation maintains itself under constant antagonism, there must be corresponding unity and energy in its administration. Switzerland has sustained for a long time free institutions in the heart of Europe. She has been able to do this because the strong forces of conflict everywhere about her have been relaxed in reference to her ; partly by the physical features of the country ; and still more by a generous concession of public sentiment. England and the United States owe in large part the success of their institutions to the safety of their situations.

(2) National character will also have much to do with the form of government. The intellectual, proud and restless Greek carried with him a constant tendency to a municipal democracy. This form of government gave the most immediate activity, the largest public life, to all its citizens. (3) The history of a nation is operative in every phase of its government. Outside surroundings and national character are constantly passing under various conditions into the growth of society and those settled convictions by which institutions are established and maintained.

England, while owing much to national character, is also much indebted to that continuous development which has allowed the regard for law to become rightfulness, general and deep-seated.

France, on the other hand, has suffered by the frequency and violence of her revolutions, and the extent of the social ground covered by them. The bold, sudden movement which makes these revolutions possible, both implies and enhances a diversity and recklessness of sentiment which render their complete success very difficult. When a new government is to be built up, relatively concurrent sentiments and respect for law are demanded. The rashness and division of many theories, the confidence of each faction in its own extreme ideas, obscure all sober opinion, and render the success of any measure impossible. The waters are so divided that they make for themselves no new channel. Social institutions that are secure must have a continuous growth, for this growth both implies and nourishes the needed constitutional power. The bold theory is sporadic in reference to all stable organic force.

(4) The state can not, in its principles of construction, be materially in advance of society. Free institutions sustained in Rome a long yet losing battle. Under many formal successes, they still died out in faction, and were replaced by an empire. The most weighty reason of this was the aristocratic construction of society. The senatorial class was always a proud, bigoted, unyielding body. Slavery of a severe and revolting character had free range. A proletariat became a more and more marked and influential

fact at Rome. Under these social conditions, the tribunes themselves could not be kept true to the people. The people could not be kept true to themselves, and made into the body of the nation. They melted away upward or downward under the radically false and selfish form of society. The active climbed up into power, the indolent sank into dependence. With these social tendencies concurred the spirit of conquest. Rome, as a free city with its immediate dependencies, could not rule the world. Large armies can not oppress abroad without the reaction of that oppression being felt at home. Military authority is always absolute. Civil government must in long periods be in harmony with the social temper that underlies it. If the Confederate States had been successful in their struggle, this principle would have quickly disclosed itself. The Grecian cities fell so often into the hands of tyrants, because their rights and liberties were the rights and liberties of a limited class, the majority remaining slaves.

(5) The state, in its development, has more and more to do with subordinate groups which spring up under it, partly under primitive natural forces, and partly under new economic, social and civil ones. These groups are families, churches, partnerships, stock companies, corporate bodies, municipal governments. These combinations of individuals mark the development of old and of new constructive forces. The family, as the unit of all organizations, is to be carefully watched over. The church is to be respected and protected, as holding in itself a large circle of the most interior and tender personal rights.

The economic world has by means of subordinate groups shown new power. Great undertakings, reducing the duties that would otherwise fall to government, have become possible to private enterprise. Secondary, municipal forms of government lighten the duties of the state, and complete its work. The state has increasing occasion to recognize, protect and guide in their development these secondary combinations by which so much of the social life and social power express themselves, and by which its own labors are reduced and supplemented.

These groups become to the state second centres to be dealt with directly, and in which the individual is lost sight of under conditions which the state itself, in view of the common well-being, assigns him.

The corporate life owes its existence to the state, and must be held by the state amenable to the public liberty in the circle and exercise of its power. These new creations of law may become so powerful as to feel lightly its restraints. In behalf of liberty the state has the double duty to guard them, and to guard against them. These vigorous organic forces of our social life are not to be repressed ; yet they are to remain thoroughly subject to the all-embracing power of the state.

CHAPTER IX.

Duties in the State.—Its Office of Protection.

§ I. THE offices of the state are divisible into two classes: those incident to protection and those incident to aid. All agree that the duties of protection are its primary duties; some would make them its exclusive duties. The let-alone—*laissez-faire*—theory of civil institutions starts with the idea that the individual, with his own powers and his powers of combination, is sufficient unto himself, and calls on the state for protection only from trespass on the part of others. Natural law is accepted as adequate for all purposes up to the point of the collision of rights; while civil law should enter there only, and only to restore unobstructed action. Protection even is not regarded as a duty inherent in the state, but as one delegated to it. We would look upon civil law, in its just forms, as native to the moral constitution of the state, and as finding, within the conditions and under the ends in behalf of which it springs up, its own source and definition of rights and duties. Civil law comes out of the community to the individual, as family government arises directly from the relations of parents and children, and presents itself to both with indisputable rights and duties. Certainly, as a fact, the state finds the citizen, and works by him and for him, with very little reference to his conscious choices.

The principle, that each person has an ultimate right

to all conditions of freedom which do not infringe the equal freedom of others, is, at best, only a negative rule in the constitution of law. If we admit that social powers are in diverse stages of development in different classes in the same state, and that a man may not always be allowed to try to do, when important interests of others are involved, what he can not do, or can do very imperfectly, even the negative force of the rule is greatly narrowed.

Look at positive questions of law, as What shall be the conditions of ownership of real estate and of its transfer? In what ways and through how many parties may it pass by testament? What control shall a parent have over a child? What shall be the restrictions on marriage, and what on divorce? How shall courts be constructed and administered? These points receive no particular light from the principle, that each can do what all may do; for the query is, What ought each and all to do? What are the methods by which the interests of one and all are to be protected? In answering these questions we must consider the common weal, near and remote, now and hereafter, and the individual can be allowed to oppose no ultimate right as a bar to the general progress. We must, indeed, be cautious how we imagine that social progress can be reached in oversight of the conditions of individual development. The well-being of society is finally resolvable into personal prosperity. Yet, the order of inquiry is not for the place of the units as themselves incapable of modification; but for the well-being of all as expressed in the well-being of each, and as securing it. If we make an independent function

of individual life, and plan for it independently of the common life, we shall lose branch and body alike. In this very core of government, the duty of protection, we arrive at the lines and the limits of protection by consulting the collective well-being. No right in any citizen, not even to his own life, is permitted to overrule the greater claims of the common life. We protect the citizen by the soldier, but who protects the soldier?

The rights of the individual take effect within the limits which the state leaves him, and the state finds its duty in maintaining these limits, as regards the citizen, at their largest practicable extension in connection with social progress. It is the notion of civilization, of progress, and not that of equality, which defines ultimately the fit thing to be done. We establish laws of inheritance, we define marriage, we restrict the authority of parents, in reference to ultimate well-being, not in settlement of existing rights between present parties. The principle, therefore, that each has a claim to all the liberty of possession and action which is consistent with a like liberty in others, offers but little guidance. (1) The great inequality of powers among men at once obscures it; (2) and a large share of the questions which arise in social progress admits of no solution under it.

§ 2. The object of a criminal and civil code, as regards protection, is to prevent crime, and to prevent a conflict of claims and litigation under it. The punishments of crime and judicial decisions are the methods by which we strive to condone partial failure, and to prevent its return. They are, however, so obviously the results of law, that we are

liable to mistake them for its primary purpose. Thus even Plato thought that the righteous man, if he had done wrong, would prefer to be punished rather than to deprive Justice of her dues. Thus Justice was personified as one who primarily dispenses punishments and is placated with blood.

This feeling in regard to justice is a very prevalent error. Justice is not a virtue that restores symmetry and beauty to the moral world by adding suffering to sin, and makes firm the throne of righteous law by inexorable penalties. We punish the criminal that others may not become criminals. When the crime has been committed, the law has failed of protection in that particular case, and we strive to anticipate farther failure by punishment. Vice is not turned into virtue by the penalty. The present disaster receives its legitimate completion in punishment, and so becomes a persuasive against a kindred failure. The crime itself is so bad that this poor social redemption is all that it is capable of. A state may not look to its well-punished criminals, and say, These are my jewels. It may be necessary that the penalty should be inflicted, but the necessity is not found in any blessing that punishment as punishment brings, but in its admonitory power.

If the state, therefore, perform well its protective service, the result will be seen (1) in the prevention of crime, and of trespass, and (2) in punishment as incident to prevention. For this silent effectiveness of law, several things are requisite. (1) The law in its prohibitions and penalties must be plain and well-known. This clearness is lost by the

multiplicity of laws and their changeableness. Statutory laws and judicial decisions are so accumulated in the progress of years as to obscure knowledge and lose certainty by their multiplicity. Efforts to divest law of its obsolescent features, and to restore it to a simple form, are constantly recurring, but are only partially successful. The profession of law, like other professions, tends strongly to a conservative spirit, and so often retards just development. The lumber of law and law forms and practice, slowly developed as a safeguard in past experience, acquires an associative value to those who have made its study a calling, and this value they do not distinguish from immediate and intrinsic merit. As there is a constant tendency to multiply and modify laws, it should be accompanied with a disposition to simplify and codify them.

“The exact evils to be provided against are (1) the actual uncertainty in the law, owing to the obscurity, indefiniteness, and conflict of the authorities from which a knowledge of it is to be derived; (2) the amount of labor and time consumed both by judges and private legal practitioners in the process of ascertaining the state of the law, either for the purpose of giving final judgment, or of merely rendering professional assistance; (3) the want of publicity in the law, whereby the most serious obstacles are placed in the way of all persons in the community coming by a knowledge of their rights and duties; (4) the want of acquaintance with, or of opportunity of informing himself upon, the leading doctrines of the law, which must ceaselessly hamper the legislator in his efforts to amend any

special branch of law.”* Another evil urged by Mr. Amos is that, in fresh legislation, the varieties of opinions which are incident to the confused state of the law “are likely to reappear in the theatre of the new law, and so at a later stage to perplex the judicial consideration of what was its policy and meaning.”†

The law-making tendency should also itself be resisted. The law is frequently embarrassed in its administration by its own intricacy. A criminal law may require the interpretation of the courts, and an indication of its method of application, before it can reach efficiency. If such a law is often cast into new forms by the legislature, it loses clearness and force. The prohibitory legislation of some of our states has failed to accumulate any restraining power because of its changeableness.

(2) Law should be capable of quick and certain execution. The ultimate correctness of a verdict is hardly of more moment, in some cases not of so much moment, as its early rendering. The protective power of law lies chiefly in the decision and certainty of its action, and at these very points it is that its failures are most conspicuous.

(3) Law should find ready and inexpensive administration. Redress that can be gained only with difficulty and heavy charges, is not redress, it is a fresh injury rather. To such a degree are time and expense involved in an appeal to the state for protection, that in all secondary offences and losses, the evils of the prosecution are worse than the evils redressed. The state may thus come to

* The Science of Law, Sheldon Amos, p. 364. † *Ibid*, p. 398.

stand to the injured party, by its tardy and costly movement, in the light of an accomplice in crime. The losses of winning even an important suit are set down as secondary only to those of failure in it. Civil law is so slow in its administration as to miss a large share of its service. It may be said that the cost and the delay of a judicial process deter men from appealing hastily to the civil power, and so promote the public peace. True, but efficiency of administration would reach the same result, and at the same time extinguish much ill-will and remove many wrongs that are now endured because of this difficulty of correction. Powerful companies, like railroad corporations, that are constantly and extendedly in contact with the public, may adopt, as a sagacious policy, the resistance of all secondary claims, thinking thereby to deter most men from advancing them. They thus become more and more oppressive and arrogant.

More flexibility and ease of administration of protective law, both criminal and civil, are a great and reasonable demand in the state. It should be the first care of the state, "That public judicial inquiry be conducted with the utmost dispatch, economy, convenience to suitors and certainty."* So plain and so urgent is this demand, that in large cities it is partially met by police courts, and in some commercial cities by commercial tribunals. The stream of litigation at large, however, slowly meanders on, or loses itself in lagoons, as hitherto.

A tyrannical government is likely to be as rapid as it is

* Science of Law, p. 295.

unjust in its decisions. Hence checks and delays have been instituted in behalf of rights. As the liberties of the people become safe, these defences, notwithstanding their sacred associations, can advantageously be removed and reshaped, and the courts, now expressing a safe judicial temper, be allowed more of the freedom which attaches to wisdom and integrity.

(a) An extension of the system of reference would be desirable as a means of speedy and cheap settlement of commercial questions that involve no aggressive spirit in either party. Judicial forms embarrass and delay inquiries of this sort to such a degree as to make the entering on them unwise. A great share of the difficulties which arise in active business is due simply to ignorance of the proper governing principles, or to the confusion which exists in the principles themselves.

(b) Legal forms should be simplified. Thus correction of pleadings, in all stages of procedure, when no wrong is done thereby, should be freely allowed, and the courts should have both law and equity jurisdiction. In other words the end—speedy justice—should control the means. The means, as means, should never be allowed to thwart the primary purpose. The admissible flexibility of means will, it is true, depend on the general vigor and justice which pervade the community and the judiciary, but it is none the less true, that all gains in this direction must be attended by more liberty. Parliamentary law, for example, is designed to facilitate and does facilitate business in a large assembly, yet it is constantly used also to delay and

embarrass it. This also needs to be guarded against. The necessity of rules and their liability to perversion are both plain; and also that the evils of the perversions may overbalance the gains of the rules. It is certain, therefore, that the rules which have guided us through the perils of our growth, must relax their force, when the growth is achieved. We must lay aside our arms when the war is over.

(c) A new temper should find expression in the legal profession. Lawyers are properly a portion of the body which administers the law. They are the instruments of immediate, impartial and complete inquiry. The judge can not investigate and make up the case. This is the duty, on each side, of skillful attorneys. If this duty is well performed, the administration of justice is made more safe and rapid; if it is ill performed, it interposes new dangers and delays. It is, therefore, the duty of the lawyer, rightly understood, to the state, to his client and to himself, to work within the ends and for the ends of speedy justice. A different sentiment, fortified as one of honor and trust, is largely prevalent. The lawyer, in appearing for either party, is by many justified in identifying himself with the private purposes and passions of his client; in forgetfulness of his strictly legal rights. He may thus, from an administrator of law, become the abettor of criminal action; and, under the very protection of law, and within its own bar, do all that he can to delay, baffle and break down its procedure. He may feel himself at liberty, in a given case, to pervert justice; or with his utmost ingenuity to darken its counsel, or to defer its

action. For this very great evil there is no remedy, so long as professional sentiment makes the private relation of an attorney to his client supreme over his public responsibility to the well-being of the state. The lawyer should, within the circle of his duties, be no less amenable to the great ends of justice than the judge himself. Indeed, if a false sentiment prevails with lawyers it will penetrate the court. The judge has himself been a lawyer, and is likely to accept the professional standard. Or if he does not, he will hardly be able to enforce another standard. The endless wrangling and the entangled technicalities which spring from the feeling that astuteness of attack and defence are the chief exhibitions of the court-room, can hardly be swept aside by a court that has at least partially accepted this criterion of excellence. That the lawyer stands in each case with the plaintiff or with the defendant, outside the administration of the law, and with full liberty to make such uses of it as he can for his own ends, is a sentiment utterly inadmissible in public morals. The defence of this sentiment, as one of professional honor, tends strongly to make the central duty of the state, this duty of protection, the least satisfactory in fulfillment of all its duties. Delay, expense and uncertainty, indeed judicial failures of all sorts, are of so chronic a character that we are apt to regard them as a part of the necessary constitution of things.

By a careful inspection of the records of a county court in an average county of the state of Michigan, it appeared that the sums recovered in that court for the two years over which the inquiry extended were only one-third

of the expenses involved in the incident litigation, as the fees of the court, of attorneys and of witnesses. If we were to add to these costs the personal expenses of the parties to the suits, and their loss of time as expressed in money, the cost of justice would have been found, in this average county, to have been four times greater than its cash value.

§ 3. Criminal and civil law, in their moral bearings, pass into each other. The fine may be a correction of aggressive action, and so may be the verdict of damages, as the recognition of claims. The general principle of cheap, prompt and efficient redress applies to both, and with as much force to civil as to criminal procedure. A civil prosecution is often a dead-lock in business till it is ended. A criminal code, whose purpose is the infliction of punishments for the violation of rights, has its own principles in addition to those which it shares with civil processes, whose purpose it is to define rights, and to correct errors of action under them.

The end of punishment is protection. The state institutes and administers its criminal code primarily for the public safety. This it is which should define the forms and the degrees of the penalties. Incidental to this end is that of the improvement of the criminal, himself a part of the community. This end is, however, wholly subordinate to the primary end of protection, and is to be pursued in so far only as that end will admit it. Within this limit, the correction of the temper of the criminal becomes a most important and humane purpose, and may be so pursued as to

greatly aid the primary purpose. The chief intention is more frequently marred by an oversight of the subordinate one than by its exaggeration.

These two ends must be supported by some secondary considerations. (1) Punishments must be somewhat proportioned one to another in connection with the character of the offences. If this proportion is neglected, the sentiment of relative justice is outraged, and the criminal temper inflamed. Justice directs attention to three points—the fitness of any punishment, its amount and its relative amount. The three more ulterior considerations already referred to being also conceded, to wit, the legitimacy of the authority, the legitimacy of its aims, and the legitimacy of the methods by which they are pursued, justice is satisfied. The fitness of a particular punishment and its proportion are subsidiary questions under method.

(2) A punishment must also bear some relation to the character of the person committing the crime, and to the circumstances which enhance or reduce his guilt. If this proportion is wanting, the sense of kind and equal dealing is disturbed, and the penalty diminished in its moral power.

(3) Some punishments, as mutilations, are intrinsically unsuitable. The sense of fitness will turn very much on the general respect which the community bears a human being. If a people are already deficient in this feeling, the evil will be aggravated by unsuitable punishments. Floggings, in some of our states, have had this result.

(4) Penalties must be proportioned to the moral condition of the people. While some inflictions are never in

order, we can not decide on the fitting severity of a punishment aside from the customs and temper of a nation, and the character of its criminal classes. Severe punishments degrade the criminal, excite sympathy,—or which is still worse, call out the savage passions of a rabble—and widen the breach which is so ready to appear between the subject classes and the state. Penalties will be steadily softened as society grows in civilization, and in sympathy. Sympathy must not be allowed to degenerate into sentimentality; yet a penalty somewhat less than the criminal deserts is morally better than one greater than the circumstances require. The excess, in that case, becomes an outrage of the state on its citizen, anger in the seat of justice, and so a moral provocation to fresh passion.

(5) Punishments must be proportioned somewhat to the criminal intent expressed in the act. Thus the putting of obstructions on a railroad, though no disaster follows, is a great crime. In like manner the firing of a dwelling in the night time may be punished with a severity proportioned to the dangers involved. A burglar, who commits murder in self-defence, may be presumed to have premeditated it.

(6) Punishments should be proportioned to the strength in the community of the criminal sentiment they are dealing with. If there is a somewhat general determination to disobey a just and wise law, its execution must be correspondingly prompt and unsparing. If liquor laws are to be enforced, an immediate and decisive penalty ends the struggle more quickly between the legal and the illegal temper. The ready and firm administration of justice is a very

powerful persuasive in the public mind. It works conviction rapidly, when the conditions of conviction are actually present. The moral forces rally easily under the banner of law.

(7) Penalties must also be more severe when the opportunities for disobedience are numerous and detection is difficult. Smuggling is a crime only by virtue of a civil law; yet if punished at all, it is to be punished sternly. Otherwise it can not be checked.

(8) Public sentiment will greatly modify criminal law, both as to the laws it will be wise to enact, and as to their methods of execution. This point is partially involved in previous points, but also presents some farther considerations. Public sentiment may refuse to recognize a given act, as dueling, or prize fighting, or gambling, or the sale of intoxicating liquors, as criminal. If that sentiment is so strong as to render the execution of penal statutes impossible, the community is better off without them. If restraining laws can be executed, yet with difficulty, a penalty that awes, without outraging, public sentiment, becomes the condition of success.

§ 4. The two classes of rights to be protected by law are those of property and those of person. The former are capable of more exact definition, and more complete defence than are the latter. They are also more dependent on the law for defence. The invasion of the rights of property rarely takes place under the immediate observation of the person interested. The criminal **must often** be sought out, as well as punished.

There is a somewhat vague and vanishing division of rights into natural rights and civil rights. Natural rights are those of which every person finds himself possessed. He requires the aid of the law merely to retain powers which he enjoys. Civil rights are those which are conferred by the state itself. The right to a bow, or a stone hammer, which one has made or purchased or received as a gift, would be a natural right. The material has been taken from unappropriated resources, value has been imparted to it by personal labor, and the instrument is in the immediate possession of its owner. The law has nothing to do but to protect him in that possession. Yet even here, the law may have occasion to define what constitutes possession, and the consequences of a loss of possession.

The holder of a copyright, on the other hand, has no possession, and no peaceable method of enforcing any claim. The law defines his claim, and bestows upon him his means of redress. His ownership rests solely in the civil law, which lays upon itself the duty both of definition and defence. A copyright is thus at the farthest remove from a natural right, or a common law right. Since the state confers the right, it must define it, and may well limit it in reference to its own interests. An international copyright, so much urged, would, in most cases, enhance rewards already large and quite sufficient for public ends. It is a question, at all events, that should be settled by the public welfare, and not as one of natural rights. Patent rights and copyrights are granted to stimulate and reward invention and literary

production. When these objects are met, the community is the proper residuary heir of all farther gains. If it is true "that a man's right to the produce of his brain is equally valid with his right to the produce of his hands," he owns equally his spoken and his written words, and should have an action to prevent their repetition to his pecuniary loss. He would also own his written works in fee simple, and should be able to transmit them to his heirs. The great poem, the great invention, and the great scientific discovery now rapidly become free, like the air, for the enjoyment of all; under this principle they could be sequestered in the hands of their first holder for his eternal behoof. The truth is, possession more than labor must be the defining feature of natural or primitive rights. That an individual has an indefinite right to an invention or a discovery or a literary composition, and that the community is bound to lay upon itself the burden of its protection, are doctrines quite in the teeth of facts, and very destructive to the common heirship of the race in the blessings of the world. Strangely enough, Spencer seems inclined to accept this view, while denying the much plainer and much more essential right, the ownership of real estate.

The rights pertaining to real estate have the utmost social importance. They have a narrow basis in natural right, as expressed in actual possession, and a very broad one in civil law. "Equity does not permit property in land," says Spencer, drawing his conclusion from the profound resources of his one principle—the freedom of each to do all that he wills provided he infringes not the equal

freedom of any other. This opinion and principle are the more noticeable, as they are the logical outcome of the conviction, that rights are purely personal, and that the rights of the state are derived by concession from those of the citizen. It is true, that rights have always a personal attachment ; but the rights themselves spring immediately from the composite moral conditions to which they apply.

The wrongfulness of property in land is proved (1) by the ultimate liability that the whole earth should fall into the hands of a portion of its occupants, and leave the remainder with no foothold ; (2) by the wrongfulness retrospectively of many of the present titles to real estate ; (3) and by the impossibility of equal holdings in land. These conclusions, conceded as sound reasoning, would lead us to the baldest communism, and communism is a return to chaos, a subversion of the principles and practice which have sustained thus far the progress of society. It is also possible that one should find himself without personal property, a property even more necessary to his immediate existence and the exercise of his powers than the ownership of land. Must there, therefore, be an allotment made him of this also ? The wrongfulness of titles to personal property, in one stage or another of its history, is the counterpart of the wrongfulness in the ownership of real estate, and the two together, if allowed to vitiate titles in all time, would go far to destroy possession. The ownership of all land by the state, and its yearly division in rentals, would not secure equality. The same principle precisely would be admitted in a yearly rental, which now

underlies personal ownership. Why not redivide every day? It may not be convenient, and it is certainly unequal, for a new comer to wait a year for his rights to accrue, especially as these rights are peremptory. The only answer would be, "We can not constantly do and undo business; we can not destroy the value of all possession in behalf of an unattainable equality of opportunities." Certainly not, and this is the exact and the sufficient reason against the entire theory. The interests of the community, and so ultimately of every individual in it, would be incalculably damaged by a denial of ownership in land, and a yearly division of it in rentals. No scheme could be better devised for the cutting up of industry and enterprise, root and branch, for reducing to a minimum all the motives to production. It would be to all the undertakings of economic life, what the iron currency of Lacedæmon was to commerce. So far as any equality would be reached by such a measure, it would be an equality in poverty. It is strange that a *laissez-faire* theory should develop such a result as this. All the present activity of government would be child's play compared with that involved in a yearly distribution of lands, the assessment of damages, and collection of rents. It is true, the labor would be lightened by a rapid return to barbarism.

The state has, indeed, the right to regulate the ownership of land—and all ownership—according to its own necessities. The exigency of the state, if it be an exigency, is supreme. Within these overshadowing claims of the common life, the individual life springs up. The

rights of property in the sphere of personality are rights, but rights which suffer the restriction of more inclusive rights. If it could be shown that the interests of the state, as expressed in the immediate and future well-being of its citizens, called for a rental system, such a system would certainly be in order. The state can not claim the lives of its citizens without having a hold on their property also. But the interests of the state do not call for any such method, and it would, therefore, be a wholesale destruction of individual powers, oddly enough in the name of those powers. This perpetual redistribution of advantages by the strong hand of government would be instituted against those who, by their powers, could make the largest use of them, and for those making an inferior use or one wholly defective. The principle so often referred to, that one may do as he wills provided he limits not thereby the corresponding will of another would accept any ownership with difficulty. Possession by one necessarily excludes possession by another, and very often narrows the conditions under which a like possession is to be secured.

It is desirable that real estate should be easily divisible and transferable, and the state has the fullest right to make laws to that end. The state, even in free governments, as in England, may greatly err in this particular, locking up real estate from the play of natural divisive forces, by laws of primogeniture and entail. The state has occasion to do its utmost to make easy the general ownership of land, and also carefully to limit it. Pos-

session in land is an obvious physical fact only within a somewhat narrow range. Possession of land is chiefly a legal fact, under a legal definition ; and the transfer of real estate by will—indeed the entire right of a testamentary disposition of property—is one conferred and protected by law. It is plainly a civil extension of the power of the owner. The dead hand holds nothing, and can transfer nothing. The state concedes and itself guards this power in pursuance of its own interests. The limits of the right and the methods of transfer may well, therefore, be settled by the state with simple reference to the general welfare. The state may put any restrictions on an ownership so guaranteed by itself, which its own well-being calls for. It may refuse to allow large tracts of land to be held by a single person, it may decline to confine real estate to a line of inheritance, and it may reject, in execution, a testament that preoccupies the future indefinitely with the caprices of an individual. Such a testament may be the extension by the state of the powers of one person to the severe limitation of the powers of others. The ownership of land lies intermediate between natural and civil rights, and is compounded of both. Yet no more in it than in all rights does the one grand limitation hold, the public welfare. We only concede to natural rights a certain *prima facie* force, which does not belong to civil rights. It seems theoretically most correct to assert, that the fee simple in land rests with the individual, under the conditions assigned by the state, precisely as in personal property ; and that it remains alike in both cases subject to the sovereignty of

the state, a sovereignty to be considerably exercised under existing facts. The state has among its primary duties the duty of settling conflicting claims to real estate, and in doing this it may restrict the extent of claims, define the conditions under which they shall be set up, and limit the period within which they shall be allowed to run. The state does not undertake the impossible task of correcting all past injuries and evils, but of softening existing evils and avoiding future ones. The state has the second duty—in order that she may make easy and complete her first duty—of fixing the forms of transfer. Incidentally to this arises her third duty, of defining the general limitations called for by the well-being of society within which and under which land shall pass from generation to generation.

The ultimate right to appropriate material, whether it be the land on which a wigwam rests, or the skins of which it is made, is a right that takes effect by preoccupation under the necessity of the case, and in the absence of any stronger right on the part of others. It is a right that must be, in order that other rights may be ; one which can not be lost without the general loss of the conditions and rewards of labor. It is a perfect and a fundamental right when properly defined by the common interests, and it is the duty of the state so to define it.

§ 5. The second class of rights that the state has to protect are personal rights. Though these may seem to be preëminently natural rights, they are not therefore easily defined or watched over. A writer in the

Contemporary Review,* expresses the opinion, fortifying it by examples, that offences against persons are less severely punished than offences against property. A feeling enters in strongly to excuse the infringement of personal rights, whose boundaries are more uncertain than those of property, while the trespass is often provoked, and the injuries inflicted comparatively vague. This feeling is one inspired by personal liberty. Persons find their chief freedom, their most direct expression of character, and their gravest responsibilities in dealing with persons. The method of this intercourse can not be extendedly defined, nor is the law willing needlessly to hamper it. It is better for all parties that they should suffer something from the insolence and ill-will of others, than that the law should take them under its tutelage with an extended surveillance of private life. If the state were to attempt this odious and onerous labor, it would be unable to perform it. The very effort would still farther provoke the passion it aimed to quell. The wound would be irritated, but the thorn could not be extracted by the clumsy hand of law. The sentiment, therefore, which claims much for the freedom of personal intercourse is one deeply implanted in our nature.

The state is yet more reluctant to interfere between the members of organized groups. A leading purpose of the state is to defend these groups, as for example the family. It steps in with great reluctance, and even with undue hesitation, between husband and wife ; and it has been loth to impose duties on parents, or to limit their control over

* Miscarriages of Justice, May No. 1878.

their children. These relations are left very much to public sentiment, and public sentiment must be deeply offended before the state can gain the opportunity, or feel an incentive, to interfere. When a parent is forbidden to sell the labor of a child under a certain age, or for more than certain hours, parental liberty is abridged, while the ultimate enlargement of public liberty is obscure to many minds. There is thus a strong disposition to trust to the protection of the natural affections, even when they seem to be inadequate to their work. To this respect for minor sovereignties is added, as a farther deterrent, a jealousy among men in the maintenance of traditional authority.

In the same spirit, "the liberty of trade" becomes a potent phrase, and any restriction of it by the state for a moral end is clamored against, as an invasion of primitive rights. Prohibitory liquor laws, touching pecuniary interests of large amounts and wide diffusion, have always suffered from this popular sentiment. Yet the personal rights they strive to protect are greatly exposed, and of a very far-reaching character. On narrow and on broad grounds alike, such laws are justifiable. Yet, with many minds, the ostensible protection of property weighs more than the protection of persons, because of this false extension of the notion of liberty. One hundred and one higher interests are left open to manifest and to secret injury without escape or redress.

On lower grounds such laws are justifiable because of the obvious and direct connection of a free traffic in intoxicating drinks, (1) with pauperism, and (2) with crime. On

higher grounds such laws are fit, because they tend to the public welfare—to (1) thrift, (2) decency and (3) morality. A minority of the community are prevented from interposing by an ill-ordered liberty, under sordid motives, a permanent obstacle to social progress. The state finds a way of protecting itself in a great exigency. The state should, indeed, be scrupulously careful not to infringe unnecessarily personal liberty, but it should be wise enough not to be frightened from most needful acts in the defence of personal liberties by the clamor of interested parties. All law brings with it immediate restrictions, and is to be judged by its later relations to liberty. The best liberties of a people may be fearfully anticipated and cruelly wasted by the present indulgence of minor ones. We may raise evil spirits with the words, "freedom of trade," as readily as good ones.

The manner in which the state should order its own action is well stated in the *Science of Law*, p. 261. "The real securities that may be resorted to are (1) the creation of no crimes in which the criminal act is not capable of being described with the highest amount of definiteness; (2) the refusal to any class of public officials, however presumably respectable, of any general control, having relation to moral character, of any order of persons, other than (perhaps) convicted criminals still undergoing a reformatory discipline; (3) insistence on the necessity of procuring a warrant from a magistrate for the committal of a prisoner in all cases either before or immediately after his apprehension; (4) maintenance of the principle that no prisoner

should be detained longer than a week in custody, whatever the ground of detention, without a public or (only if he prefers it, a private) magisterial examination, in which the burden of proof is entirely cast on the accuser, who must give his evidence on oath or in such other form as makes him judicially responsible, and who must so bind himself to cross-examination by the accused or those who represent him ; (5) ample provision for rendering the police legally responsible for malicious, corrupt or grossly careless prosecutions."

One under accusation, or a criminal waiting his punishment, is not to be treated with any more rigor than the safety of the state calls for. In past history, the accused and the criminal alike seem to have been stripped at once of all rights, and to have fallen quite out of public sympathy. The hardships of imprisonment were inhuman and fell upon all. It is in the spirit of this careless and cruel regimen that needful witnesses, unable to give security for their appearance, are held in prison waiting the trial ; that the provision for prisoners, in transition from arrest to conviction, is often so inadequate ; and that an innocent man when acquitted is dismissed without recompense for his loss of time. He thus bears his own misfortunes and all the misfortunes put upon him by the delays or the blunders of the state.

Under the harsh sentiment which descends to us from the tyranny of the past, and which was expressed in physical tortures applied to extort the truth, lawyers sometimes break loose on witnesses to worry, perplex and mortify

them, with little reference to the integrity and simplicity of their purposes. This may be done not only against decency, but also against the plain interests of truth. Courtesy and consideration are essential, in the majority of cases, in order to elicit a clear and correct statement of facts. Hostile criticism leads to confusion, and confusion to error. Professional habit is liable to disguise these truths in part, from men of native kindness and good-will. That a disposition exists on the part of witnesses to conceal and misrepresent facts is too easily assumed.

The state can deal only with overt acts. The private life of the individual, in its intellectual and spiritual freedom, must be fully preserved, as the pleasant fruit of civilization. Opinions, therefore, whether they pertain to politics or to religion, whether they be sound or unsound, safe or unsafe, must be allowed to shape themselves under their own inner law of growth. This growth may be attended with some dangers, and with serious disadvantages, it must none the less be allowed to proceed. The state should not try to control opinion because it can not usually control it, and because the effort to do it, when successful, is destructive to the resources of spiritual life, which are ultimately its own resources. This principle is so fundamental as to demand a very careful and liberal interpretation. Communism, mischievous as it is, and dangerous as it is, is entitled to all that argument and discussion can do for it. Not till it shows itself in an illegal act can it be trodden on.

Religious dogma may be logically at war with popular liberty. The church that maintains it is not therefore a

conspiracy against the state. Overt acts are alone treasonable. No man can tell how far the logical fruits of faith will appear in action, or what correction they may find within the belief itself. It may be very difficult for a state to lay down the lines which divide counsel and conspiracy, but it must do it with a watchful care for the germs of intellectual liberty, and with none of that suspicion which attends on fear. The state will receive an abundant reward for forbearance in the greater openness of its enemies. This will render them at once less dangerous and more assailable.

§ 6. It becomes a chief duty of the state to embody in civil law and in its administration the best spirit of the times. As a matter of fact this work has usually fallen to single reformers, like Howard, or Wilberforce. The state is more conservative than society, law than custom. The administration of law is, to a considerable extent, removed from public observation, and falls to a comparatively few : these made unobservant by familiarity are easily forgetful of its faults. Fresh intellects and quick consciences should be often brought into contact with it, otherwise the humane sentiments of society may steal a long march on the laws of the state. Thus criminal processes and punishments should be constantly modified and ameliorated. The rights of women, both as to person and property and calling, are to be readjusted to the better conception of personal rights prevalent in the community. A more just and subtile estimate of our social and spiritual immunities is thus to find its way into civil law, lest this become an obstruction to our higher life. As the foundations of brute force are dis-

placed by those of concessive and concurrent spiritual claims, these claims must appear in the organic law.

Dangers lie in all directions. Civil law may be too concessive as easily as too severe. Laws of bankruptcy may greatly reduce the sense of wrongfulness which attaches to reckless and fraudulent trade, while the thief is severely punished. The dishonest bankrupt has often passed unchallenged, or escaped with profit. "During the three years ending with 1875, the aggregate liabilities of bankrupts in the United States amounted to \$50,585,000. The aggregate assets did not reach thirty-three and one-third per cent on the liabilities."* Thus we have another illustration of the truth that the largeness of a sin stands to it in the light of an atonement.

Questions of punishment must be settled and resettled in view of present exigencies and possibilities. Capital punishment has no indisputable right. If the interests of civilization will allow its withdrawal, it should be withdrawn. The inquiry is an empirical one. One consideration will certainly lead us to be cautious in removing this penalty.

This punishment, like all severe punishments, is not designed to deter the average mind, but the lowest mind. Civilization, therefore, can remove the danger but slowly. Society progresses as an elastic band attached to a heavy burden is drawn forward. A portion advances very far, the centre moves more slowly, while another part remains nearly or quite stationary. The most civilized societies hold truly savage elements. One who is liable to commit

* North American Review, May and June No. 1878, p. 496.

murder can hardly be much deterred by the ordinary motives of philanthropy. Dissuasives must be gauged to the persons to be dissuaded, even though more delicate sensibilities are somewhat shocked. While the publicity of crime and the publicity of its penalties are hardening, the mysterious and dreadful shock of punishment following a great crime is not altogether so. The sense of guilt is made massive and overpowering.




CHAPTER X.

The State.—Its Office of Aid.

§ I. WE hold it plain that the state has a right to do what it can do for its own well-being, and the well-being of its citizens. What other basis is there or need there be of an action save this of beneficent power? Precisely this it is which creates and imposes duty. It is the ground of right equally in the state as in the individual. What the state can physically, intellectually, socially do, the present and the future being broadly considered, for its own profiting, it has the right to do. The moral command is present simply to enforce such opportunities, and turn them into duties. This right of the state is not to be derived from the rights of individuals, nor to be dissevered from them, and made absolute over them. It is of the same nature with those rights, and as independent, and as mutually interdependent, as are they under one higher law with them. A and B have, by combination and by natural relation,

additional powers, and these powers bring with them corresponding rights. If A and B propose an action to which C does not assent, their right to perform it is not thereby lost, if, under the common weal, the opportunity and the advantage still remain. If it were lost, the liberty of C would unnecessarily cripple the powers of A and B. We are apt to overlook the fact that liberty disappears just as certainly when the state, the representative of the many, is restrained in its action, as when the individual is restrained. The true question is, By which branch of the alternative is the largest ultimate liberty won and held? This question is answered by answering the inquiry, whether the proposed action of the state is really in the direction of the common weal? But if we allow this consideration to enter, we have passed from the ground of simple individual rights that bar the way, and have conceded the right of the state to do what it can do for its own advantage, provided always that that advantage is rightly understood and wisely sought. Without this concession, that we may pursue the common weal, we have no occasion to ask what the common weal is. If it be said that C—representing a social minority—tacitly assents to the acts of A and B—the social majority—we reply, this is exactly what he does not do. If he assents to anything, it is to the principle we have enunciated, that new rights may properly attach to A and B because they are A and B, and can do a work which neither can do alone. Society is a new condition, and, as yielding new powers, brings with them new duties. Why should not the state do what the state needs to have done? “You reduce



thereby individual rights." Certainly, but does not the opposite theory reduce common rights, and, at the second remove, individual rights, and this more than the one now offered? "This theory of yours will come back to plague you as tyranny." Does not the opposite theory plague us already as tyranny, by blocking the wheels of progress? If we really are aiding civilization in and by the state, the act will not ultimately, all things considered, return to us as vexatious and ill-advised.

We may then settle rights in settling advantages, and accept the principle that the state, as a representative power, has a right to do all that it is for its advantage, as such a power, to do.

Spencer virtually yields the theory of ultimate rights, when he discusses the advantages and the disadvantages of given governmental measures, instituted in behalf of social progress. These advantages, arising from many particulars, can only be considered in connection with each form of state aid proposed, and when they do appear in any of them, they become reasonable and sufficient motives. This the discussion itself implies. In answer to the many instances given by Spencer of failure on the part of the state to reach the good proposed,* it is enough to say in general, (1) that the repeated miscarriages of government in its efforts for the common weal prove very little. There are certain to be miscarriages in abundance in whatever way we proceed. Individuals fail often and badly as well as governments. (2) It may be a worse failure to wait and do

* Social Statics, Part III.

nothing than to put forth an effort, even though immediate success is very partial or wholly wanting. The practical question under given circumstances is, Whether, in view of all human experience, the most promising and immediate path of progress is found in the action of the state, or in leaving the interests involved with individuals? On the first supposition, the state has the right and the duty to proceed. Progress in human affairs is not so assured a thing that we can afford to neglect reasonable chances of success, or allow ourselves even to omit promising experiments. Errors are a matter of course. (3) It would be very easy, moreover, to reduce the coloring which Spencer has cast over the failures of the state; to oppose to their failures many successes; and to show that the powers of individuals have often been the product of these very efforts to advance the common welfare.

§ 2. The aid of the state in securing the best attainable conditions of civilization, with due respect of the liberties of its subjects, can be rendered in four ways; (1) in providing conditions for the general defence, (2) in providing conditions for economic prosperity, (3) in providing the conditions of intellectual and social life, (4) in the discharge of charities. In each of these directions the state may be an important auxiliary to social growth. It may embody quickly and effectively the common strength, and bring it to bear against the common difficulties. That generally diffused skill, that easy combining power of individuals, which may ultimately enter and occupy this very field, are likely to be the offspring of judicious state aid.

The first direction in which the aid of the state is evoked is in providing the conditions of defence. The state is organized and grows up under external exigencies. Its unity and strength are developed in securing and maintaining independence. If its first undertakings are simply those of defence, they soon lead to those which have reference to permanent power and growth. Measures of peace and of war will be mingled in this action. The state will and must, in its foreign policy, pass insensibly from duties of protection to those of construction. Though armies and navies, fortifications and harbors, may have direct reference to protection, they must be aided and sustained by many things which have reference to the internal and external resources of the people who are to use them. We might as well suppose that the armed man was made formidable by his armor only, as that the state could rest its rule in the external means of defence only. Interior construction and exterior strength are inseparable, and the state can not provide for defence without doing much more than that.

Nor can treaties and an extended consular system be wisely arranged for safety alone. The thrifty nation will constantly make them the instruments of its thrift. Its foreign administrative officers are its feelers, its remote senses, with which it searches for its way to commercial and social prosperity.

§ 3. The state, in taking its position among nations and in assuming the attitude of watchfulness and defence toward the public interests, at once finds itself extensively charged

with the public prosperity. It is thus naturally and inevitably led to the second and extended form of aid, a provision of the general conditions of prosperity. The need of this provision presents itself to the state collectively, struggling to maintain its power and enlarge its resources, before it presents itself to individuals, pursuing their more narrow and personal ends. Collective enterprise runs before and awakens that individual enterprise that may afterward supplement it and in part displace it. The general motive is present in full force, and in easy reach of resources, before personal incentives are or can be made extendedly efficient. Thus harbors are constructed, roads built, various internal improvements entered on, to prepare the way for production, exchange and national wealth. Production must be already quite advanced before it can provide its own means of farther progress. A general currency and a complete postal system will also be preliminary to extended commercial activity. Not till the community is thus knit together, and provided with safe conditions of activity, will the way be prepared for its own combining powers. The nation first begins to feel its way and find itself, and then the fountains of individual strength are unsealed. The first force of persons is expended under and for the state; later there is an indefinite multiplication and subdivision of energies, gathered up in the general life and concurrent with it. Nothing more enlarges liberty than help, skillfully and opportunely bestowed. In the same spirit, commercial cities look to their general interests, put themselves in an efficient attitude, cleanse themselves, provide for the public

health, and gather well in hand their immediate and their remote, their physical and their intellectual, resources. Thus a government within a government develops itself largely for this very purpose, that the common power may be more immediately bound to the common service. Each individual has thus the best conditions provided for his own enterprise, no longer suffering the retardation and discouragement of general negligence.

The relation between public and private enterprise, in the efforts falling to each, will be variable in the progress of civilization. In the earlier history of a nation, the state will necessarily do more ; in its later history, much less. The awakened energies of the people will make them more and more independent of the government, more and more competent to cope, and disposed to cope, with difficult and extended undertakings, furnishing of themselves both the general and special conditions of success. The principles by which the state should be guided in the development of this power are very simple.

(1) Labors for the common good, which, from the nature of the case, can receive no sufficient remuneration, should be undertaken by the state. The construction of light-houses, coast surveys, the clearing of harbors, and many internal improvements are of this character. A mail-service, as a complete, cheap and proximately equal service for an entire nation, may also belong to this class. The returns of such a service with us, if left to private enterprise, would be only partially and very unequally remunerative. Such a service has as much to do with

the education, intelligence, unity and patriotism of a people as with their economic prosperity. It is also a necessary instrument to the government in the performance of its duties. This inner life of the body politic must, therefore, be made complete without reference to an immediate payment.

(2) Constructions which require to be strictly and constantly subject to the public convenience must often be undertaken by the state. Highways belong to this class. Tolls are annoying, and may easily and unexpectedly become oppressive. The improvement of water courses, in some instances the construction of canals, may also, for this reason, properly fall to the state. While we should be sorry to see our government burdened with the very extended and complex administration of railroads, and should regard their assumption as a decidedly retrograde movement, they yet present a chapter of our history that has been very unsatisfactory. The hopeless losses and helpless condition of stockholders, the somewhat heedless administration of roads in reference to the public pleasure and interest, the extent to which they have been captured by reckless speculators and been made the cards of financial gamblers, their occasional open violation of law, and their frequent intrigues against the purity of legislation, and of the administration of law, the enormous and irresponsible power they accumulate in the hands of individuals, have given sufficient reasons for alarm, and for state intervention, unwise as this has sometimes been. It is plain that it is for the interest of the public that the acts of corpora-

tions, so extended in their operations, should be brought clearly before the public by officers of the state, set apart to this very duty. Public sentiment thus gains its full power of correction.

(3) The magnitude of an undertaking, aside either from ultimate profits or the safety of the state in its management, may be a reason why it should fall to the people collectively. This reason should be looked to narrowly, has much less force now than formerly, and loses weight with each receding year. Private enterprise is now ready for truly grand work. On this principle our general government granted aids for the extension of railroads across the continent. Many are disposed to censure this policy. They forget, at least in part, that before the work was done, it bore a very different appearance from that now presented by it. A part of the censure is provoked by the very success of the policy.

§ 4. We have mentioned sanitary laws under needful provisions for physical prosperity. They have also a broader relation, and are equally included under the third kind of aid—a provision of the general conditions of intellectual and social life. The aid of the state is more cheerfully accepted, if it promises a physical advantage, than if it results in a spiritual gain. No such narrow principle need restrain the state. It has the same right to propose a social good that it has to labor for a physical one. The only two inquiries that need to be put in either case are, Can the proposed advantage, without compensatory losses, be secured by the state? Is the intervention of the

state necessary for its early and sufficient acquisition? In things pertaining to the minds and hearts of men, the power of the state, from the nature of the case, is greatly restricted. It is not to undertake to do what can not be done by it. It is not to meddle, in a clumsy way, with interests that can only suffer from such interference. It must thoroughly understand that the inner life of a man is far more exclusively his own than his outer life. Impossible things are denied to the efforts of the state, as to all wise agencies. But attainable and desirable things are open to it. When we come to interior and social interests, we have occasion for new caution,—for men are here constantly mistaking the impossible for the possible—but no new principle. What the state can do for the common weal it may do, provided that the present active powers of individuals are not thereby needlessly narrowed. It is not to supercede the efforts of its citizens, but to supplement them in behalf of the common good, and so ultimately to extend them.

One of the most important directions in which the state can often do this is the provision of a thorough and complete system of public instruction. If such a system is rendered needless by the voluntary effort of all classes, the state ought not to interfere. But if education under individual effort is incomplete in character, or partial in application, the state, as holding the common resources and representing the common interests, ought at once and directly to correct so great an evil. It has no higher and more urgent function, if all the underlying relations of intelligence

to prosperity, happiness, virtue and good government are duly considered. It is a pitiful and irrational limitation of the rights and duties of the state to say, that it can not by taxation take the money of a rich man to educate the son of a poor man, and that it can take the son of that same poor man, no matter how unwillingly yielded, and put him at the peril of life, in the front ranks of those who, as a police or a military force, are to protect the property of that same rich man. A community, as yet unwilling or unable to provide sufficient instruction for all its children, will correct the wrong sentiment and reach the needful power far quicker with than without public aid. The leading educational institutions of New England have grown into their present strength by the watchfulness and help of the state : and the state has more and more displaced, in the intermediate grades of instruction, insufficient private work by public work.

Public education should extend to complete education, when the deficiencies demand it, for the same reasons that it should exist at all.

(1) The duty and right to provide for these interests must reach to the extent of providing for them *adequately*. No new principle is involved in a full as contrasted with a partial provision. (2) The gains of the state rest as much on intermediate and higher education as on primary education ; indeed, are found far more in higher education as united to, sustained by, and sustaining, primary education, than they possibly can be in this education taken by itself.

The reasons calling for thorough, broad, varied and ex-

tended education in the state are briefly these. (1) Not simply intelligence, but general intelligence, intelligence that shows itself as varied power, and mounts up in the popular mind to sound, social convictions, is the condition of prosperity in the narrow and in the broad sense. (2) The nation can not be kept homogeneous in interests, and united in feelings without this general and common intelligence. (3) It can not be made fluent, with an easy circulation from class to class or rank to rank, without this intelligence. Yet without such an inner flow of life, it is liable to a warfare of classes, that must at all times weaken it, and may at any time rend it asunder. (4) The natural educational adjuncts of high civilization, the platform, the pulpit, the press, lectures and letters, can not be made fully effective without extended education. (5) Without the possibilities of a liberal education open to all, the state can not avail itself, to the full, of the varied power, the talent and the genius, that may appear in any of its classes. The entire community should be the seed-bed of the state. Least of all can the state afford to lose those choice men, who are sure to arise in the numerically large classes of its various workmen. It can not afford to lose them from invention, from politics, from public instruction. Unfortunate is that state which has not the cordial support of the men with whom rests its physical power. The good-will of the state will show itself just here, the interest it takes in the progress of all its citizens. If the state in some way feels with, and peculiarly represents, the well-to-do classes, then it is no longer the state, but a fragment of it. If the pride of power rises and hisses contemptuously

among the wealthy, then will the hydra heads of communism rise and hiss defiantly among the poor. The spirit is the same in either case. The advantages of civil law and social customs can not be set up as a wall around the rich without provoking reprisals. If we would trample out every germ of communism, we must never sacrifice the public good to private interest, we must never allow that property is more sacred than life. We should weed out the creeping rootlets of that narrow and selfish spirit which halts the state the moment the gains of the rich have been reached, and will not advance to the ultimate goal of the common weal. That state is not far from overthrow whose rulers say, This people is cursed because it knows not the law. Society is for the individual,—the typical individual, neither poor nor rich—and on this condition only can the individual be for society. He bows to its interests because its interests bow to him. If those interests do not contain his interests, he must draw the sword.

§ 5. We can in this connection best treat of the relations of the state to religion, since religious instruction and religious duties have often been maintained and enforced by the state on the same grounds on which we have now urged public education. The government of the United States is peculiar in its entire separation from religion. It has many religious groups and recognizes them in their civil rights, but no farther. We believe this separation to be the ultimate result in social development. The intervening stages of growth, however, have all had their reasons, and rendered their own services. The principle of separa-

tion is not a universal one, any more than liberty itself is universal, but one to be reached by many stages of growth.

In the early forms of government, when the first impression, the necessity of unity and of law, is being stamped on the reluctant, vagrant savage mind, whose wayward impulses and whose inertness alike tend to irresponsibility, the civil and the religious authorities, conjointly only too weak for their offices, inevitably seek to aid and to strengthen each other, and for this purpose combine more or less in administration. The ruler desires the help of religious fear and hope to support his authority. So far and so long as religion is administered by a sacerdotal order; so far and so long as it consists largely of certain rites to be performed, certain gifts to be made, or even of certain doctrines to be accepted and confessions to be uttered, it is capable of external enforcement, and will naturally seek for it. It is as much a thing to be managed, governed and extended as the state itself. The two covering the same territory, and approaching each other in their purposes and methods, can hardly exist apart. There would be the liability, in such a relation, of perpetual strife. Religion must very much soften its claims before it can be content to rely on moral powers alone; but so long as it has any secular government, it must be in alliance with the state. In all the earlier stages of social development, therefore, the two authorities, the secular and the sacred, will seek each other, sustain each other, and strive to harmonize their several governments over one set of subjects. The local independence of Catholicism and its extension beyond the bounds of any

one state have presented obstacles to this affiliation, and indirectly and undesignedly brought the two authorities into frequent collision. Liberty has profited by this result.

In this union each of the parties is likely to suffer from the other in various ways and at various times. Religion will tend to sink more and more into formal relations and acts from its connection with an authority so wholly exterior as that of the state. The opposite evil will also be present. Religious faith, seeing clearly its intrinsic superiority of purpose and power, may struggle to set itself above the state, and to subordinate it to its own ends. Indeed, if the two are closely united, and religion is at all penetrative and spiritual, this is the logical out-come. Religious interests will not allow themselves to be put on an equal footing with simply secular interests. If there is any collision, these must yield. The state thus finds itself wedded to a very intractable partner in its spiritual bride. The Jewish people, for example, so identified religious and civil authority, and so enthroned the religious element, as to form a government that has been termed a theocracy. The same spirit has made the race comparative aliens in every state that has included them. The state, in its ideal form, could not be constructed by them without this supremacy in it of faith.

When, however, the truly spiritual character of religion is seen, and the absolute personal independence it implies, then the sacerdotal yoke drops off, and with it all grounds of affiliation with the state. Churches become wholly voluntary associations. They have nothing to ask of the state, save

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the ordinary protection of ordinary civil rights, and nothing to render to the state, save through the improved temper of the people. Religion thus naturally drops away from the state, since it has no authority to be administered under civil or *quasi* civil forms, no acts to require of any one, no aid to seek nor any to render, save on a purely free and spiritual basis. If this freedom is the ultimate stage in religious life, it is perfectly plain that a separation of church and state always lies in the line of growth. So long as the union exists, since coercion must exist somewhere, some measure of freedom will be compromised by it.

We reject, then, the aid of the state in religious faith, because the religious life is too truly personal, independent and spiritual to allow of such aid; and because the transmission of faith by instruction is only too much trammelled already by external authority and alien considerations. The pressure of churches as churches requires relaxation rather than reënforcement. Religion and education stand before the state on very different grounds, because of the far more free and personal quality which belongs to the former.

It has been the right of the state, and is now its right, to interest itself in the religious life of its subjects, so far as that life is a formal one, touching points of public order; or so far as it involves the intellectual and moral conditions of the public welfare. It has lost its right to meddle with religion by a better comprehension of the problem involved, the relations of religious life to the freedom of the individual. If the state could make men truly religious and so

virtuous citizens, it would certainly have the right to do so. But it has no such power, its futile efforts tend in the opposite direction. It has, therefore, no such right.

§ 6. In what sense is the state religious, under a free, popular government? Its rulers, its legislative bodies, are certainly not called on to deliberate on the varying phases of faith, to pronounce between them, and to promulgate what is truth and what is not in religion. Such an effort would be ridiculous. No more are they required as rulers to assume the truth of any one faith, and give it their support. They may be personally unbelievers, and yet perform satisfactorily all their civil duties to religion. They are bound to recognize all the religious groups within the state in their civil rights, and, in a general way at least, to understand their relation to the prosperity of the state; how far they are to be guarded, and how far to be guarded against.

But the government of a state must be religious in a somewhat stronger sense than this. (1) Its own acts will have, can not avoid having, a religious force. In a Christian country the Sabbath must be respected by public officers or be profaned by them. They must formally recognize or disregard it. In many grave circumstances, as in times of disaster, the religious reverence of the people, as a present and potent fact, must be dealt with. Wise rulers will, for the well-being of the state, recognize, respect and express these deep and controlling sentiments. National character in its dominant forces might as well be overlooked as religious character, a fundamental fact in the influences

to be gathered up and guided. The rulers themselves will usually share these feelings, but if they do not, their duty in reference to them remains the same. When the occasion demands it, they must give them national expression. Oaths of office and judicial oaths, prayer in public bodies, days of thanksgiving and fast days, are examples of a recognition of religious sentiment, more or less fitting and correspondingly needful.

(2) The state will also find religious duties brought immediately home to it in the management of its own wards, in prisons, houses of correction, hospitals. The inmates of these institutions have religious rights, and these must be met by the state in accordance with the prevailing convictions of the community. The correctness of these convictions it is not the office of the rulers to settle. They must recognize them as facts, and respect them. It is as much tyranny to deny them gratification, as it is to enforce them against the clear choice of those to whom they are brought. The state can no more deny the wards under its hand religious instruction than it can deny them bread.

The same question reappears in the same way in the navy and army service, in schools of training in these directions, and, in a modified form, in all public instruction. The problem involved in the relation of religious influence to public instruction is not one that can be struck out of existence with a blow. To uniformly deny all relation of the two may involve the same disregard of rights as that involved in the uniform enforcement of one method of faith. The question must be treated as a practical one,

and the answer be adjusted to changeable circumstances. So handled it is not very formidable. The troubles which beset it have been chiefly theoretical ones, incident to the formation of an iron rule to be extended over very diverse facts.

(3) The state must know something of the several faiths prevalent in its borders, and of their numerical force, in order to understand their relation to the common welfare. If the moral support which a free government is deriving from churches is of moment, it may recognize the fact by lifting from them, as it now does so generally with us, the burdens of taxation. If it thinks their entire independence and complete responsibility to be better for it and for them, it can fittingly put all churches on this basis. One thing it can not safely do ; it can not ignore them, and their relation to the public welfare. If a faith is exceptional in its claims and limited in its membership, the state can not extend to it quite the same protection that it grants to those forms of faith which express the general conviction. The same regulations can hardly apply to Saturday and Sunday without needlessly burdening both, or needlessly stripping both of respect. Some faiths may involve features which interfere with social morality ; or they may so accumulate property and win such extended control as to endanger public interests. These and kindred facts the state must understand. Statesmen can not shut their eyes to agencies so extended and so social in their bearings as those of religion.

§ 7. The connection of education and religion, the first

enclosed in the state and the second separated from it, is one of great interest, though we do not think of great practical difficulty. Many suppose that true nurture is rent hopelessly asunder by such conditions. This complete independence of religious and of civil authority implies always a very advanced social development. It involves a variety of opinions and vigorous discussion as to the very foundations of faith. Not till there is this wide discrepancy in results, will there be any sentiment demanding separation—the free play of conflicting tendencies. The choice, therefore, under such conditions does not lie between sufficient, consolidated and thoroughly sustained private instruction, permeated with one religious spirit, and instruction by the state; but between this instruction and sporadic, partial education, taken up in every variety of degree and form by every phase of belief and unbelief, and rendered here and withheld there as the caprice of accident may order. Between these two, in a community of divided nationalities, customs and faiths, the choice seems perfectly plain. We may, if we choose, regret an age of speculation and divided belief, but consolidated and systematic instruction is only made thereby the more desirable. Large classes will otherwise be left without the needed incentives to education; divisions will deepen, and the state fall to pieces in its inner and so in its outer life. The freedom of the public schools from any special religious or social tie, the breadth of the influences and the universality of the truths they offer, are, at such a time, their strength. The bitterness of the hostility to them may often indicate the need of them. More-

over a speculative age can not, in any way, escape speculation, and can best meet and bear it on open, fair terms.

In primary education, the family and the church supplement the common school. This they must do under any system. In higher education, a free discussion of the fundamental problems of life, the nature of mind, its powers, its laws, its source and its destiny; the duties of man to society and of society to man; the origin and government of the world and the being of God, is a first condition—and all the more in skeptical periods—in laying the foundations of wise belief and wise action. Bold, earnest faith finds its very best field in handling freely these themes. The rights of every pupil, the full freedom of his mind, are to be thoroughly respected, and good work still to be done at those foundations of truth on which are to rest, among other things, the character of the citizen and the strength of the state. A spirit of skepticism is itself the product, in part, of a narrow sectarian temper, and is sure to be aggravated by it. Open, common ground, free investigation are what truth calls for, and these public instruction gives. An effort to arrest inquiry at certain limits, or to guide it in certain channels, will not prosper in a period of unbelief, for it is the very thing that the temper of the times is rejecting. Liberty must be the cure of liberty. If the community is divided, sensitive and cross on religious questions, it is a condition of things in reference to which sectarists must accept their full share of blame, and one which they can not do much to mend. If there is any opportunity for improvement, it must be found in accepting the situation; in a fair,

sufficient, earnest handling of the questions involved. Public instruction can, as easily as any other instruction, find this midway channel of thought, and move in it; and certainly is as likely to do it with the most complete respect for the liberties of all.

(1) It is the privilege of a public system, equally with any system, to employ men of intelligence and integrity, and such men carry with them what safety the spirit of the times will admit. Absolute safety belongs to no time or place.

(2) It is also the privilege of public instruction to handle freely the great truths of our lives, stopping only where narrowness, bigotry and authority begin. It is for the state to decide, and not for a man or a class to decide for it, what constitutes a wise, liberal method. To such a method it is bound on the positive and negative side. We constantly overlook the fact, that a claim, negative in form—that this shall not be taught, or this method shall not be used—may be as bigoted, and as truly an encroachment on liberty, as the opposite positive claim—that this shall be taught, and this method shall be used. The skeptic has no more right to carry his denials into the schools than the sectarist his affirmations. The latter no more excludes the former than the former the latter. It happens quite as often with us that an arrogant minority frighten us, nervous about liberty, from our rights, as it does that a tyrannical majority drives us from them. The ruling power needs only to busy itself with the inquiry, What is the method that, with the largest respect for the minority, retains the rights of the majority? This is a question that admits of a successful practical

answer, as our experience as a people abundantly shows. A majority that strips itself of its rights in the presence of a minority promotes tyranny. If it does it with the expectation that that minority, placated by concession, will be in a like degree yielding when it becomes the majority, it will be very likely to find, when the case arises, that it has paid its price but lost its purchase. The state is responsible for a truly liberal method, and for that only. Such a method, as it is the safety of the present, will also be the best protection of the future ; as it is just to-day, it will carry the principle of justice with it into to-morrow. There is a union of rights, fortunate for the majority and the minority alike, that is to be sought for.

(3) The state may, in each branch of instruction and in each school, avail itself of all the freedom the specific time and place will allow. It will thrive on this freedom, for this freedom itself is the fullness of moral forces. Let no man endanger the strength which lies in giving teacher and pupil the conditions of broad, honest work. The freedom of instruction is worth more than any one thing taught. We shall by this method find our way on together, slowly it may be, yet safely. If there are life and unity enough in the community for common instruction, that instruction will enlarge the life and strengthen the unity. If there is not, we are handed over to faction.

§ 8. There is one more direction in which the state may provide for the common welfare, that of charities. There are persons who by age, or by vice, indolence, improvidence, accident or disease ; or by a loss suffered in the public ser-

vice, are thrown on the public for support. These conditions and the claims involved in them are very diverse, and in some instances are very urgent. The state, with its strong ready hand, can not excuse itself from at least a portion of this work. The gain in humanity is of far more worth than the loss in money. The limitations under which this work is to be undertaken, and the spirit with which it is to be performed, have already been presented.

It may be farther asked, whether one generation, in meeting its duties of protection and aid, is at liberty to contract debts which may be left as a burden to posterity? If we look upon the state as we have looked upon it, as an organic unit—having its rights and responsibilities within itself—to which the interests of the present and the future are committed, we have not far to go for an answer to this question. The state need not seek its powers from posterity any more than from the pleasure of those now involved in them. No definite line separates the present from the future, the generation that is from that which has been or that which is to be. The state is bound to wisdom and economy. That is all. If it does its work well, it is acquitted, though remote generations pay a part of the price of liberty, though they enter into the burdens as well as the alleviations of progress.

CHAPTER XI.

The State.—The Duties of the Citizen.

§ I. WHILE we are to regard the best attainable conditions of civilization as the primary end of government, we are also to remember that these can not be secured with any certainty, or for any considerable time, without the participation of the citizens of the state in their own government. Vexed by popular strife, by political imbecility and dishonesty, we may covet the restfulness of a state whose administration is left with a few strong hands. We may hastily conceive the office of government to be best discharged by skillful persons devoted to it ; while the mass of citizens are left to pursue, unimpeded, their own business. We thus covet the simple fact of good government, aside from any personal participation in it ; as one might desire truth without the vexation of inquiry.

We overlook therein the experience of the world. When the people are too ignorant to be intrusted with authority, or are too absorbed in their own concerns to accept its responsibilities, we shall not find an able, disinterested, conscientious few, ready to do their work for them with exactitude and singleness of purpose. Not only is eternal vigilance the price of liberty, it is the price of all good government. Freedom is the cheapest, as well as the best purchase, we can make with vigilance. When the citizen is feeble or indifferent, he will be ruled not for his own ends, but for ends influential with the ruler—the luxury of

a court, the power of a house, or military honor. As a general principle, no more justice, good-will, economy, wisdom will find their way into the state than its citizens can furnish it. The accident of a good ruler will be offset by the accident of a bad ruler. If citizens are not willing to incur the labor of winning a good government, they can not rationally expect others to incur it for them. Things will scarcely improve by being left to themselves. Free states easily forget the enormous expenditures and the unnamed tyrannies of monarchies. "In France at the expulsion of Louis Philippe, the civil functionaries were stated to amount to 807,030 individuals. This civil army was more than double of the military. In Germany, this class is necessarily more numerous in proportion to the population, the landwehr system imposing many more restrictions than the conscription on the free action of the people, and requiring more officials to manage it, and the semi-feudal jurisdictions and forms of law requiring much more writing and intricate forms of procedure before the courts than the Code Napoleon." *

When the third condition of a good government, the participation of the citizen in it, is lost, the second disappears also. His private action is hemmed in in an hundred ways. "Every imaginable and real social interest," says Mr. Laing, "religion, education, law, police, every branch of public or private business, personal liberty to move from place to place, even from parish to parish; liberty to engage in any branch of trade or industry, on a small or large scale, all the

* The English Constitution, p. 264.

objects, in short, in which body, mind, and capital can be employed in civilized society, were gradually laid hold of for the employment and support of functionaries, were centralized in *bureaux*, were superintended, licensed, inspected, reported upon, and interfered with by a host of officials scattered over the land, and maintained at the public expense, yet with no conceivable utility in their duties." . . . "Voltaire says, somewhere, that, 'the art of government is to make two-thirds of a nation pay all it possibly can pay for the benefit of the other third.' This is realized in Germany by the functionary system."*

The first condition of good government, therefore, as regards the subject, and his first duty in connection with it, are that he shall watch over it to the extent of his powers, and feel fully his personal responsibilities to it. The attention of the people is the condition of progress from stage to stage of liberty, and of proximate success in each stage. It involves a settled conviction that liberty is and always must be the indispensable condition of a government fulfilling broadly and well all its functions. The people have no guaranty of a righteous administration save what they can themselves give. When the public mind wavers on this point, the hour of tyranny is arriving. This want of faith may be chronic in the popular mind, and for the time being irremediable; but it is none the less to be resisted. The first duty of a good citizen is never to despair of the state, as lodged in the thoughts and affections of the people.

§ 2. A government, to be well administered, must call

* The English Constitution, p. 263.

into its service men of intelligence, integrity and independence. That state is plainly most fortunate whose public men come forward under conditions, fitted to bring the best administrative ability, intellectual and moral, to the front. Intelligence and integrity are equal elements in their fitness for public service. To these must be added a large measure of independence, as a condition of their free and successful use. The servants of the public can not fall into the hands of the public without a loss of personal power and respect, and so of the conditions of wise action. A constituency that lays hold of its representatives as merely intermediate tools in working out its own wishes becomes one of the most blind, prejudiced and dangerous of powers. Reason and justice are lost in the frenzy of the popular mind, and, among the servants of the state, find no single persons to whom to look for safety. Rulers must, therefore, be at once separated from, and closely united to, their constituents, that, while knowing and feeling their wants, they may know and feel that larger circle of wants with which they are also charged. A free government is especially liable to fall into this bondage of its rulers to popular opinion, a bondage which transforms intelligence and integrity into sagacity and duplicity, as the only current coin. This bondage is the subversion of obedience. Wisdom is called on to submit itself to ignorance, large statesmanship to local prejudice. He that is on the watch-tower is told what to see, and what to say to those who stand at its base. A full responsibility of rulers, and a freedom which is the antecedent condition of all rational responsibility, are

a first necessity in the wise administration of any institutions. If we seek intelligence and integrity, we must yield liberty to the play of the powers they express. Politicians are sure to avenge themselves for their loss of the conditions of manly action, by using all their acquired dexterity to illude, bewilder and cheat their constituency in behalf of their own personal interests. The deference they pay the people is deceptive and selfish.

Under this general condition of responsible liberty there is the farther necessity, in a representative government, (1) of a ruling power which shall be united within itself, (2) of a careful, close criticism of its acts, (3) and of the possibility of a ready change of policy under changing and advancing public sentiment. For these conditions of a free government, we are compelled to rely on political parties. These parties are distinguished by specific forms of policy, and still more by a ruling temper, progressive or conservative, watchful of human rights or zealous for particular interests. The party tie is very strong and justly counts for much; since to it the practical efficiency in the state of any sentiment must be largely due. Persons, honest and intelligent though they be, can not rule a great nation. Their action will lack unity. Interests can not be treated separately, nor speculated on from a dozen different standpoints. There must be in the administration of a state a decisive tendency and a central current, which will of themselves dispose of and harmonize many minor things. To create and maintain this unity of administration is the function of political parties; and so long as these parties are responsive to public

sentiment, no great evil is to be feared from them. Or if there is ground of fear, it lies deeper than the mere fact of parties.

As already indicated, the cabinet system of England makes the action of parties more immediate in the government than does the presidential system of the United States. With the utmost freedom of criticism and change, the unity of administration is preserved in England by the structure of its constitution. We handle the parts of our government by piece-meal, and, in the slower transit of power from one party to another, rely for unity on the constraining will of the people. Hence springs up with us the great duty of the people of maintaining an omnipresent political sentiment, which no politician or party can forget. Its two elements must be respect for law and the forms of law, and an unswerving regard for the public weal. The maintenance of these sentiments and their perpetual utterance become the duty of every good citizen. Parties are thus restrained from that extreme action in which they sacrifice the public peace to their own ends. The first of these feelings it is which makes the people of the United States to differ from other nations, and gives to them large possibilities in managing a free government. They themselves shut the gates of danger and open those of safety. Says Bagehot, "Against the united will of the American people a president would of course be impotent ; such is the genius of the place and nation that he could never think of it (the continuation of war)."* There is no better seat of law, unity and strength, indeed, no other seat than the heart of the nation.

* The English Constitution, p. 292.

§ 3. This first inclusive duty will impose many narrower ones. (1) The maintenance of a sound, pervasive, public sentiment, putting the moral force of the nation foremost everywhere, requires an interest in public affairs on the part of all. It is in this way that the intelligent and the socially strong win back their true political influence. Against the equality of votes is put the great inequality of personal power. Equal suffrage favors unequal influence. Wisdom and virtue thus have their full way among men, and settle issues; since these issues are in the hands of the people, and so approachable by every one. It is suffrage that makes the general mind attentive, and suffrage that makes words of wisdom valuable. The few are shorn of power, if shorn at all, by their own negligence, and not by a free franchise. An ideal state, this should be the patriotic ambition warm in the heart of every citizen; and the means of reaching it are everywhere about him.

(2) No strictly local or class interest should be allowed to find national assertion. It may and should find representation and expression; but when it organizes a party, and chooses national representatives simply to maintain it, it becomes an element of faction, injustice and division. Interests as interests can not be entrusted with political power. They are blind and oppressive in the measures they originate. In our own time there is no task of the patriotic citizen more delicate than this, a recognition of the rights of all citizens, with a refusal to allow any class to appear as a distinct, political influence. This attitude involves the quiet supremacy of the moral reason. When our legislative

bodies are divided in their members between the various forms of industry, and pulled asunder by sharp, unrelenting claims, we have no ground of counsel or conciliation but the wretched one of divide and divide again. The patriotic citizen will bear all things and speak all things, but he will make nothing ultimate but the public weal.

(3) The good citizen will unite his action to that party whose ruling spirit is the soundest and freest. While that is a miserable government which is a compound of formal compromises—the primitive, the only real, compromise in our government nearly ruined it—yet every government, as organic, unites, softens, and conciliates conflicting interests. Each individual, with his own conscientious opinion, is a molecule by himself. He can be organized into the body politic only by uniting with others, under common concessions for common purposes. To extend and make effective the best political sentiment is the duty of the citizen ; and also to help it onward in its moral transformations.

(4) The interests of parties now enforce so strongly concession of opinion by the individual, that we ought rather to point out the complementary duty, the duty of resistance. Parties are very liable to rapid degeneration in the hands of politicians, who make their management a lucrative trade. We know the means of this control ; committees with a natural gift of intrigue ; caucuses, large and small, pronouncing on men and measures ; the distribution of offices ; unmeasured concealment, misrepresentation and falsehood. However glad we would be to shake off these accessories of parties, it is impossible to do so. They grow out of the nature of

things, or rather of persons. Our only remedy is to correct them and resist them. The tyrannical rule of party is to be broken, the defeat of a party often being the means to its renovation. The good citizen must have within himself that independent judgment to which all parties and occasions are to bow. When the organization is strong enough to demand most, it should often receive the least. There are here no ultimate rules ; all rests with individual judgment, integrity and responsibility. When the individual is carried off his own feet, every thing is wrong. The ultimate refuge of morality is lost.

(5) A great danger in free governments is that one class or one interest may assert itself too narrowly and selfishly ; the remedy is that all classes and all interests find assertion. Though the member of a particular class may not be the wisest counsellor in offering the remedy of grievances, he is certainly a most fit person to present the grievances themselves, and to see the bearing on them of remedial measures. It is in the last degree desirable that the rare men, found in all ranks of society, who are profound in sympathy and comprehensive in thought, should make their way freely into the public service. A public service that is recruited from a limited class, or a single profession, will not fully master the conditions of the problems before it, nor sympathetically measure the sentiments at work in the popular mind. A revolution will be born before they are aware that it has been conceived. In the conflict that preceded the rebellion, very few of our public men at all understood the vigor of the forces with which they were

dealing. That "minority of minorities and minority of majorities" in whom are the instincts of wise and righteous government are to be gotten to the front. Prolonged peace begets a sense of safety, and a consequent asperity in the pursuit of private and local interests, which are in themselves a preparation for strife. Great as was the price we paid for union, our nation was reunited in its best elements by the War of the Rebellion. War must have unity of some sort, while peace is too often accompanied by a slow ferment of private passions, tending to general disorganization.

§ 4. These general duties of the citizen to the state, calling for a constant exercise in its behalf of his best wisdom and most patriotic purpose, are accompanied by more distinct and narrow ones. The first we mention is the duty of the citizen to strive to secure just laws; and his duty within the limits set by morality to freely obey and sustain them. The conscience of the state is the joint conscience of its members. It is because this fact is forgotten, that the state is so often found, like a corporation, without a conscience. Its real conviction has not been uttered. It is true that those who have its immediate administration have peculiar and more extended responsibilities, but in every free or proximately free state the obligations of good government are divided among many in the measure of their power. Those on whom the duty of enforcing the law more directly devolves are made by this duty conservative, and forgetful of the imperfections of the law. The deficiencies of civil law are disclosed by a comparison of its

provisions and its methods with the most advanced and humane sentiment of the times to which it belongs. This sentiment is the possession of a comparatively few high ethical natures, and the criticism and correction of institutions will largely be their work. With this effort to advance social institutions and civil law, every good citizen should concur. Only thus can criminal procedure be duly softened; the rights of the subject classes be enlarged; the purposes of liberty and the conditions of diffused prosperity be secured; and the timidity be overcome with which many regard any effort by the state for the advancement of social and intellectual well-being. The utmost judgment of the best minds and the best hearts is constantly called for to decide where that line runs in public action which separates too much from too little, and to define the methods in which the state may render aid, still enlarging public liberty. These questions are not to be settled by immediate effects alone, the whole circle of results must be contemplated and interpreted by a penetrative and sympathetic mind. We are to remember that laws which at first narrow liberty may in the end greatly enlarge it. While we are not to be sanguine as to what law can accomplish, neither are we to be wholly incredulous of its power. No agency is wholly efficient; all agencies have some efficiency. A profound conviction in behalf of law, and a wise estimate of what belongs to it, must always be one of the strongest organizing forces in the community. A people who miss either part of the truth lack a very essential condition of growth. There is a current opinion of the narrow

range of civil law which, in the present stage of civilization, tends to license and disorder, to burden the virtuous with the vices of the vicious and to constrain the industrious to bear the impositions of the improvident, instead of correcting the improvidence itself. It is a far less infringement of liberty to compel a parent to educate a child, than it is to constrain the whole community to bear the ignorance and vice of children.

§ 5. It is the duty of a good citizen to meet not only the claims which the state has on his time and thought, but those also which it has on his property. The extent to which public sentiment shapes private morality is painfully and even shamefully shown in taxes. Comparatively few, even under a good government, are cheerful and conscientious taxpayers. Public feeling on this subject seems to have been formed under the tyrannies of the past, and not to have been corrected by the new relations of a free state. The claims of the state in taxes are still looked on as those of an alien power to be reduced and evaded by means less than honest. Probably in no branch of the public service are the results reached so palpably untrue and unequal as in the assessment of taxes. Nor can the facts be very much altered for the better, while public sentiment among average men and good men remains so unsound. Men who would listen immediately to a claim of patriotism, though it touched the life, will truckle, palter and falsify in the presence of a great public claim which touches only a few dollars. If there is any form of dishonesty which should receive peculiar censure,

it is this ; yet over no offence has the public cast a broader cloak of extenuation and charity. The reason is double ; first, this sentiment is a "survival;" secondly, one feels that in covering his own property he is but fencing against the dishonesty of his neighbors.

§ 6. It is worthy of inquiry, Whether the state can, to advantage, enforce its claims on its citizens by an oath ? This method has certainly been very ineffectual, and has resulted in obvious mischief. Oaths, on the whole, have appealed to a superstitious, rather than to a rational, religious sentiment. The closing abjuration of the English oath, "So help me God," strives to make the Providence of Heaven an immediate party to a police regulation. The government of God will assume no new duties under our oaths. Neither the reverential nor the irreverential, the thoughtful nor the careless, are helped to duty by an oath. Both are injured rather. The conscientious are made timid, the unconscientious defiant. The oath is most effective with the midway, conventional mind, which takes up passing impressions without analysis. As society grows in thoughtfulness and decision of opinion on religious topics, this class is reduced in number, and the oath becomes more and more unsuitable. "It is generally accepted at the present day that the imposition of an oath adds no fresh guaranty for credibility in the case of a morally disposed witness, while it affords to an immoral witness a shelter and a stimulus to his mendacity."*

It would seem, on the whole, better that the state should

* The Science of Law, p. 308.

protect itself by its own punishments rather than to strive to use a religious sentiment in the awkward and even profane way in which it now employs an oath. (1) The formality and carelessness which are inseparable from the ordinary administration of an oath are immoral in their tendency. (2) An oath is often imposed under circumstances which do not admit of an exact discharge of its obligations. Thus an assessor's roll is accepted under an oath ordered by the strict letter of the law. Yet it has been made out under the guidance of custom, a custom which has usually quite slipped away from the law. The assessor can not properly be called on of himself to correct this evil. Custom has for him much of the authority of law. Certainly he can not properly be compelled to put his oath on one side and his action on the other in this distraction of civil law and public sentiment.

(3) An oath that is often openly disregarded, that is frequently forgotten and carelessly kept, reflects discredit on the state, and damages the public conscience. An oath can not be relied on, wisely, to do a trifling service, or to attempt an impossible one. The oath in its present broad and hasty use is sacrilegious.

§ 7. The state must be the ultimate source of its own policy, and must, therefore, pronounce on its fitness. Its last appeal is to itself; its final justification is intrinsic rightfulness. Hence the state can not yield to the clamor of classes, or be dragged hither and thither by faction. It must, if possible, maintain a sturdy, calm, rational presence, before which all claims can be heard, the rights of all being respected.

While the individual can not resist the state, opposing his judgment to its judgment within its own circle of action, he also has independent ends and an independent, spiritual life. As regards those material interests which it is the duty of the state to protect, and those social conditions which it is its office to provide and to watch over, submission is the ordinary duty of the citizen, with such efforts to correct and enlarge public opinion as his membership in the state makes possible to him.

If the state infringes, or seems to him to infringe, on his purely personal and spiritual rights, he can justly offer active resistance within the law, and passive resistance to the law. The ultimate responsibility of the individual is to his own conscience, and this responsibility, when really involved, admits of no appeal. The state and the citizen can not come in conflict, each conceiving rightly ruling principles. The state should respect those rights which the citizen should defend, and the citizen should respect those claims which the state should maintain. The moral law is one and the same for them both. As each, however, is an independent judiciary in reference to this law, they may easily enough hold conflicting opinions concerning it. In this case, such submission belongs to the citizen as can be conceded without the violation of his own conscience. His proper attitude toward any interference by the state with the circle of duties enjoined by conscience is protestation and quiet resistance. His proper attitude toward injuries by the state outside that circle is submission, with all legal efforts to secure redress and to correct the law in its form

or its administration. The individual maintains his own life in society much as he does in nature, by joint submission, resistance, concurrence and control.

The right of revolution remains to him, in conjunction with his fellow-citizens, on grounds already laid down. It may seem to be a thing to be regretted that the individual may find himself in partial conflict with the state. It is, however, only one liability—in harmony with the conjoint and the single life we all lead—of the external breadth yet interior integrity of rational action, of the complicated and progressive facts which conscience rules over and builds into a moral cosmos. Great issues everywhere include these tense and struggling activities. Peace is not inertness but reposeful power.



CHAPTER XII.

The State—International Law.

§ I. MORAL law, in its transitional form of social law, begins at single centres and spreads outward. It first orders narrow relations, and thence extends to broader ones. Its starting point and its point of return is the conscience of the individual ; its first constructive group is the household. Then come the tribe and the nation. Nations, between themselves, have remained even to our own time but partially organized. Long after a moral law, modified by immediate interests, has found its way among citizens, uniting them into the state, states have remained between them-

selves on terms of force. Obligation has expired at the bounds of the nation, and civilized nations as units have occupied themselves with savage warfare, and with injury renewed at every opportunity. This latest organic force has at length appeared, this last step of moral order is now being taken. These results are expressed as international law.

As long as tribes enslave each other, as long as nations wage war for ends of plunder and devastation, there can scarcely arise the first germs of international law. Rapine and slaughter find free way, except as the interest of the conquerors restrains them. When the passions become less fierce and blind, when ambition is a little broader and nobler, and a desire to establish an all-embracing empire takes possession of a nation, as of the Romans, there come to be reasons for forbearance in war. An empire must have its subjects, its populous cities, its abundant resources. While these facts give grounds for conciliation in war, softening its barbarities, they hardly furnish an occasion for international law. The Romans were responsible to themselves rather than to others, and recognized grudgingly the rights of alien nations. As long as the notion of universal empire haunts the world, states must lie, in reference to each other, under the suspicion and fear which possible violence perpetually provokes. Even when international law has arisen, it begins to dissolve away before a conqueror like Napoleon.

International law is the product of modern times; is the outgrowth of many states, relatively equal, in close contact

with each other, with like civilizations, like religions, and like claims to perpetuity. Between nations so situated, international law slowly arises from various concurrent causes, aided by the constant extension of a humane and just public sentiment.

(1) A circle of Christian nations, each with a comparatively stable footing, has been the first condition of international law. It gives occasion in peace to acts of courtesy and good-will; and in war to relaxations of its rigor, and to greater humanity. This tendency is greatly aided by the presence, in most conflicts, of neutral nations, united by interest and by sympathy with both parties. These become disinterested and influential critics. They do not share the passions of the belligerents and are alienated by all excesses of violence in either party. The growth of sympathy between nations who share each other's knowledge and beliefs, who are in constant social and commercial intercourse, also hastens this result. Laws of war are thus shaped which lift its disasters more and more from citizens, and confine them, as far as possible, to combatants. These assuaging customs of warfare rapidly acquire force, and the tribunal of public opinion, now set up between nations, makes their violation more and more impolitic. Here is a root of law, springing up in the lawless realm of war.

(2) Treaties framed in the interests of peace and friendly intercourse become a chief source of international law. When nations bid against each other for the best terms of commerce, the most just and friendly conditions will carry with them the most influence. Equity and good-

will begin to acquire at once the advantage they have in private life. A tyrannical principle, like that of search on the high seas, while to-day it may promote the interests of a particular nation, may to-morrow favor its adversary, and so plague the inventor. Nations thus find themselves more and more pledged to reason and consistency, and so ultimately to justice, as the only thing uniform and safe always and for all parties. Hence the most equitable principles begin to rule the intercourse of nations, to disclose the strength that is in them, and to stand out in their moral mastery. Each thing rightly done becomes a germ of law, and each thing wrongly done a bar to farther error. Treaties have a significant history of consequences traceable to their intrinsic justice, and so furnish the germs of law.

(3) An agency by which this progress is greatly hastened are the works of distinguished writers on international law. They discuss exhaustively, and give consecutively, the results of different principles. They clear away the confusion and inconsistency of opinions, and bring out forcibly the true bearings of an action. They become thus the brain and the conscience of nations, and push forward the national mind to its logical conclusions. Purely selfish diplomacy is abashed, and all propositions must plead a worthy precedent, and present a sufficient reason. Nations are thus put constantly on the defensive in their policy, and none can resist the controlling influence of true principles. The vigorous, honest insight of the able publicist, makes itself felt, and opposes itself to the passions of the hour and the exactions of the strong.

(4) These conditions of progress are all supported by the increasing vigor of the moral sense, pervading Christian communities. The just thing and the generous thing, because they are just and generous, carry more and more the popular verdict. A few select minds utter the truth, but many echo it. Where once an international code has found recognition, it grows rapidly in provisions and in power. All lay hold of it, when it favors them; and all are judged by it, when it condemns them. The appeal to it gains familiarity and authority. A majority of the spectators and parties of any given transaction are likely to find their advantage in enforcing the law.

§ 2. Our time is remarkably favorable for the enlargement of international law. (1) The territory of the civilized world was never more fitly divided between nations, in reference to the unity of customs, race and language, and in reference to natural bounds, than now; and it has never been as impossible as now to break down these barriers by conquest. The great nations and the lesser nations of Europe have reached, in a good degree, their natural limits, and stand firm by the general consent. There is no just bent or deep seated tendency that demands satisfaction in conquest.

(2) A general conference of European powers is becoming more and more the method for the settlement of questions of extended interest between nations. In these conferences, the diversity of interests is such that they can find no reconciliation save in proximate justice, and terms honorable to all. Calm, clear and large-minded statesmen

win increasingly the influence which belongs to them. The selfish, unjust and politic are more and more distrusted.

(3) Diplomacy is becoming more open. Secret treaties between interested parties are occasions of suspicion and aversion, and are less efficacious. If negotiations were entered on only in an open conference of all the powers directly or indirectly interested, this fact alone would ordinarily render the right thing the only available thing.

(4) The magnitude and rapidity of the operations of war tend to make nations more cautious in entering on it. The great commercial losses which accompany war also render a commercial age averse to it, and incline nations to adjudications similar to those which settle private disputes. The award of battle is felt to be irrational and unjust.

(5) The greatly increased social relations between nations soften the blind ferocity, which, under the disguise of patriotism, has hitherto set the national hive in motion at the least intimation of difficulty. It is slowly becoming possible to reason with a people. It can now be hoped that nations, so closely akin as the English and the American, will not again rush together in sudden animal heat.

(6) There is also a balance of interests and powers between civilized nations, which will render nugatory the wild ambition of any one man or people.

§ 3. Another crowning feature in the present intercourse of nations is the growing tendency to employ arbitration as a means of adjusting differences. This is a method honorable to all parties. Even the nation which suffers from an

unjust award, gains usually incomparably more than it loses. In these times, when extended conquest and reprisals are forbidden, no settlement of a controversy, even for a victor, can be as expensive, and commercially as foolish, as that of war. Indemnities are very insufficient to staunch the wounds of war. If real honor is saved by peace, every other interest is sure to be saved; and arbitration saves honor.

Arbitration should be left to its own free growth, with no constraint either in its acceptance, or in the acceptance of its awards. It can do its work well, only as it is the offspring of moral sentiment, and is sustained by it. The equality of nations and their independence are to be fully granted. If we should strive to establish over them an international authority, it would promote tyranny and violence rather than reduce them. It would enthrone force and intrigue in place of justice and truth, and make the ultimate appeal still more distinctly and directly that of physical power.

The advantages of a wholly free arbitration are obvious. (1) The jealousies and fears of parties would be aroused at once by any fixed tribunal. National honor, under irritation, is exceedingly sensitive and blind, and would often lead, if the tribunal provided were authoritative, to a refusal to submit the case to its decision. An excited, strong and resolute nation would readily say, "We can run no risks. There are some issues which we must keep in our own hands, subject to our own decision, at all hazards. We can not and will not submit our safety and honor abso-

lutely to others." The free selection of arbitrators, on the other hand, enables the most irritable nation to watch closely its own interests, to promise itself an easy retreat at any moment, and yet, in so doing, to defer to a calmer moment the occasion of action. The fixing the terms of the arbitration and providing its conditions are themselves acts of counsel and conciliation. An over-sensitive honor is thus placated at every step, irritation is allayed, and good-will steals a march on anger.

(2) The tribunal, once found, is placed under the strongest inducements to render a just judgment. It has no authority beyond that contained in the wisdom of its verdict. If that verdict can not carry itself into execution by its intrinsic fitness, there is no external force to sustain it. This fact tends not only to make the judges calm and careful, but reduces the motives of all parties to influence the tribunal unjustly by indirections. Any undercurrent of intrigue, if successful in modifying the decision, would, to that degree, reduce its moral power, and endanger its acceptance. The very suspicion of such an effort would carry a taint to the conclusion.

(3) The absence of all coercion in the judgment, when rendered, leaves it to act with its full moral force. If it were backed by force, this would be a fresh provocation, and would lead to combinations for resistance. An international police would create quarrels. National honor is not sacrificed in yielding to an unfavorable verdict, which has been given under the forms of fair arbitration. Honor takes sides rather with the tribunal, since it has been vol-

untarily constructed, and now simply appeals for the respect which belongs to it. The result may be very unacceptable, but the strife is taken up anew with great difficulty, and with a strong sympathy adverse to the party which will not abide by its own measures. Every successful arbitration strengthens the method. Even a failure, under a purely voluntary procedure, is not fatal, while a single miscarriage under a tribunal regularly and forcibly sustained, would be revolution.

(4) Each voluntary arbitration, being finished, clears the board of its own apparatus, and leaves for the next case every method and every question open. There are no fixed forms or judges around which prejudice and intrigue can gather. Corruption and error cease to be accumulative, and have time only for the most incipient development. There can be no overthrow, for there is nothing fixed; there can be no premeditated wrong, for its instruments are not in existence.

§ 4. We are not to forget that while war has been a perpetual and voluntary disaster in the world's history, the concentrate expression of social evil, it has none the less been, under existing circumstances, an occasion of progress. It has been the wind by which the chaff and refuse of human life has been blown away. Under a favorite statement of our times, it has been a primary agent in natural selection. It is true this selection has not always been active in behalf of the highest human virtues, yet it has usually favored substantial qualities in one form or another. It has been a nurse of that most needful virtue, courage; and also,

in the resistance that has been offered to tyranny, of justice and of liberty. It has put the good qualities of men on heroic trial, though it has not pronounced at once and wisely between them. The delay itself has been an element in the test.

When war, with its dreadful disasters, is the choice of a people, put between it and servitude, it becomes a sublime expression of moral power on the one side, though it remains on the other the devilish exposure of human passion. Great as are the evils of war, it can not be blindly reprobated. In our time, however, we preëminently need to keep these evils before us, that we may alter the sentiments and remove the conditions which make wars, even the most inexcusable, so easy and so inevitable. A just and humane popular opinion should render it impossible for any nation to create conditions which call for the solution of war. Europe is burdened in its physical and in its social prosperity to an extreme and unmeasured degree by actual war, and by the possibilities of war. If the productive agencies that are anticipated by war, or are wasted by it, could be freely devoted to progress; if the evil sentiments and misjudgments called out by war could be displaced by good will and good sense, the race might move forward with a leap. "One who has good opportunities for knowing estimates that in five years between 1872 and 1876 the French spent £160,000,000 for military purposes, of which £70,000,000, were expended on warlike material and fortifications."*

* The Nineteenth Century, Jan. No. 1878.

the value of the labor withdrawn from production, we have an immense burden for one nation to bear in renewing its military strength after a single disastrous war. But as the conditions which involved this expenditure are not peculiar to one people or one time, but exist constantly in a greater or less degree of intensity throughout the civilized world, they sweep into the waste of war a large share of human labor and human life.

Nor is there any natural limit to such expenditure but that of sheer exhaustion. The exertions of one nation are met by corresponding exertions of other nations, and a second equilibrium becomes the occasion of renewed effort all round the circle. If we could make head against the great national vice of war, and two or three individual vices, society would resume its way like a ship whose canvas is filling with prosperous winds.

War and deceitful diplomacy, its companion, have kept back and marred every moral standard within the nation. We can not have one code for foreigners and another for citizens. The corruption of the one will creep into the other. The worst crimes will appear and reappear in civil life, while violence and deceit hold between nations. The savage, carnivorous appetites of the race are kept alive by war, and the restraints of peace become a temporary muzzle put upon them. The moral law, above all laws, refuses limitations. When popular sentiment is strong enough, humane enough, sound enough, to carry justice and kindness into the intercourse of nations, as freely as into that of citizens, a reflex, regenerative wave of feeling will

flow back through the state, purifying and blessing every relation.

The duties which attend on international action are very comprehensive duties, yet touch directly comparatively few persons. They reach our individual lives chiefly as a general claim for that integrity and benevolence which make us, wherever we are, first terms in moral order. We soften and purify the national temper by the silent transfer to it of our own temper.

PART III.

DUTIES TO GOD.

NO duties in themselves are more unchangeable and absolute, when their conditions are before us, than are those which we owe to God ; and none are more independent of our relations to our fellow-men. Yet no duties, in fact, are more affected in their general character by the current phase of religious thought ; or in their special form by some narrow confederacy of opinion.

In treating, therefore, of religious duties, we need, more than in connection with any other duties, to appeal to the best thoughts of men in unconstrained action.



CHAPTER I.

The Divine Government.

THE fundamental facts of theology are assumed in Ethics. We start with the being of God and with his perfect wisdom and goodness. In the presence of these facts there springs up immediately from our moral nature a new circle of duties. These are our religious duties, our duties to God. The moral nature of man is in the same way the ground of his religious, as it is of his social, life in its higher forms. New conditions, those which pertain to the exist-

ence and character of God, being present to the mind, new duties, to wit, those of religion, spring directly from our moral constitution. Reverence and love, expressing themselves in worship and prayer, become our morally fit attitude toward God. The all-comprehensive state called for by the perfect wisdom and grace of God is unreserved love; the all-comprehensive activity, an abiding effort to bring forward His Kingdom.

All our duties to our fellow-men, and all our relations to them, are intensified and pervaded by a new spirit and a new hope—by the grand sweep of spiritual law gathering us and them into one purpose of grace, and one kingdom of strength. The details of religious duty are chiefly those of morality already given. The preëminence of the religious sentiment lies in the larger vision, the more comprehensive purpose, the profounder faith which belong to us, included as active participants in the permanent government of God. This fact brings a new temper to our work, and many secondary modifications; yet life remains essentially the same in its immediate relations to the world and to society.

Worship and prayer express our sense of the immediate and sympathetic presence of God in the world; while labor in behalf of the world is the expression of our fellowship with him in his purposes. We are thus withheld alike from the indolence of optimism and the despair of pessimism, and are kept heedfully and hopefully laboring for the enlargement of the good that is, and for the greater good that is to be, all under the divine guidance and love.

§ 2. Our moral nature is the source of all true government, all government pronounced upon and sanctioned by ourselves. All other government is simply physical force. This government, however, while its ultimate sanctions are in our own spirits, may rest with ourselves, with others, or with society. If the government under consideration is sustained directly and exclusively by the force of the moral nature, it is pure morality; if it is sustained by sanctions, that is by rewards and punishments, it is positive authority. A precept issued without a sanction is pure morality, a command sustained by a sanction is positive authority.

Pure morality is constitutional law. It is the law primarily of our own constitution, and so of the constitution of society; and secondarily of the constitution of the physical world, moving in a line of development correlated with our own. Under pure morality (1) transgression defines itself. The law is in our nature, and the mischief wrought by disobedience appears there also. This mischief it is which discloses the act as a wrong act, and defines the degree of its wrongfulness. If the consequences are favorable, the action is in accordance with the law present in the facts; if they are unfavorable, the conduct and constructive law are in disagreement. This statement does not sink into utilitarianism, because we include in the results of action the immediate sense of order and beauty in the spirit itself, pronouncing on the harmonies of action before they farther declare themselves in the physical and social worlds.

Under pure morality (2) the penalty is adjusted slowly, it may be, yet directly, to the offence. The action, as a

bad action, and in the measure of its badness, puts mischief afoot in some part of our constitution. We are physically or intellectually or emotionally injured by it; or our relations to society and to the world are entangled. If the transgression has been committed under clear inner light, that fact brings with it corresponding spiritual disturbance. If the act is relatively physical and exterior, the penalty is so also. If it is an intellectual error, it carries with it primarily an intellectual result. The moral law is inextricably mingled with other laws, and a like complexity is apparent in the issues of conduct. A series of actions and reactions are set up, which adjust the results with an increasing precision of penal power to the form of the transgression, since these results spring directly from the inner nature of the error or fault or sin.

Under pure morality (3) the penalty is inevitable. This is plain. The constitution of man, of society, of the world must be altered, in order to arrest the evil results. Be sure your sin will find you out. It can do no otherwise, for it is a flaw in the mechanism, a disease in the functions of life, a cause among other causes, sure to betray its presence. The very care with which a man hides away a sin in his own thoughts, and smothers it in about his own heart, increases its power to work spiritual deterioration. The quickness and outwardness of the correction are often its most gentle and redemptive features. The more one takes a sin home to himself, the greater the ruin it involves. A man must make himself, society, and the world, before he can alter or escape the penalties of pure morality, otherwise

than under the moral law itself. The effort to elude them, exasperates them, as if they were personal enemies.

These penalties of pure morality have in them so many and so obscure elements, are spread over such long periods, are so involved in other trains of causes, so overlie one another in the accumulation of transgressions, and are so modified by the diversities of personal experience, that we can not, with any accuracy, compare results, and affirm a parity and precision of relations in the penalties which overtake different offenders. We can affirm that the same causes which make an offence grave or light will be present in the retribution to enhance, or soften, its punishment. The ends of pure morality, which are those of discipline, admit freely every variety of circumstances and of results—the immediateness and the delay of the penalty, its directness and its indirectness, its inwardness and its outwardness—and make them all available elements in training.

Under pure morality (4) repentance is always obligatory, always in order, always under its own measure efficacious. It begins at once to work redemptively, more immediately and directly in spiritual renovation and peace, more slowly and hesitatingly in softening the physical fruits of sin, and in recovering the grounds of advantage lost by it. The physical evils attendant on transgression may have passed such limits as to be impossible of removal under the narrow conditions of our present existence. Yet repentance is operative on them to the extent of control that falls to the remedial measures of new obedience. What this is, in each case, is a physical more than a moral question.

§ 3. Positive authority is introduced to reach those more urgent and partial ends which are incident to human government: Men can not wait for the grand sweep of moral law. They must propound and reach their ends within the day itself. Duties spring from our moral nature. Rights accompany duties. Governments of positive authority are set up chiefly for the protection of rights. Their purpose is not to shelter one from the results of his own transgression, but from the transgression of others.

The three governments that we have especial occasion to consider are those of the family, of the state, and of God. The government of the family is primarily one of nurture, and only secondarily one of protection. Nurture includes correction and instruction, and is the brooding of the moral life of the parent over that of the child, bringing it forward in strength. This is a government instituted primarily for the subject, under joint conditions with other subjects. The government of the state is chiefly for protection, and only in a secondary way for instruction. It establishes and maintains safe, joint conditions, and works for the individual through them. It considers the community collectively; yet in clear recognition of the fact that its prosperity is the prosperity of the parts.

Parental government stands in positive authority, permeated with personal affections. This fact it is which gives that government its obvious fitness and force. It is rooted instinctively in reverence and love. Starting in positive authority, it passes more and more over into pure morality, and at length vanishes in it. Its purposes are (1) to

awaken the conscience, (2) to broaden and deepen moral convictions, (3) to make obedience to moral duties easy and habitual. It gives this nurture precisely as it gives physical and intellectual nurture. Indeed, the two are inseparable constituents of spiritual nurture. The personal element pervades this government, whether it expresses itself as positive authority, or as an exhortation to pure morality ; whether it appears as command or as persuasion or as counsel. It must owe its success chiefly to the affections which are incident to personal relations. If this government is fortunately administered, command will slowly give way to counsel, and counsel will expire with the growth of that mastery and integrity in the child which prepare him to take the charge of his own life. Adult powers bring a natural limit to this authority, whether it has or has not reached its true end. It should expire by a spiritual limitation, it must expire by a physical one.

The primary purpose of civil government being the protection of persons in the performance of duties and the enjoyment of rights, it must aim to secure the conditions which favor the most full development on the part of all of their several powers. It does not aim to alter the actual gifts of men, or to limit the advantages inherent in any of these gifts, but it strives, as between persons, to make the opportunities for their development wholly free. Hence freedom and equality become watchwords with it. The one word interprets the other. The equality is that involved in entire freedom. It includes no absolute and equal relation of each person to the state ; but defines those variable rela-

tions which belong to different persons as possessed of different powers, and grants them under existing circumstances the most enlargement compatible with the least restraint of the powers of others. Persons, families, classes, sexes, races, as such are overlooked, and the best general conditions for the development of powers, individual and collective, are sought for. This provision must recognize diversity of gifts, provide for their expansion, and hold each at their true worth. It neglects only the outward diversities which gather about persons, and not the inward diversities of powers which make persons. Justice, then, is the adaptation of protection to the rights watched over in their relation to other rights; while rights are defined by the powers which they guard.

Civil government begins and ends in positive law. In furnishing the best attainable conditions of civilization, it may, however, greatly help forward pure morality, and aid the nurture of the household. The state, as a structure of positive authority, in anticipation of or in addition to pure morality, is needful, (1) because the penalties of pure morality are not immediate enough for the ends of protection, (2) because they are not clearly enough perceived. They greatly exceed in real power those of civil law, but obscurity of apprehension in men robs them of their just control. Moreover, the results of pure morality are hastened by positive authority. The shame of a criminal is immediately occasioned by the publicity of the punishment, though its underlying ground must be largely moral.

As the penalties of positive authority are defined by its

end, protection, so repentance and forgiveness under it are governed by the same consideration. Repentance must still turn on moral quality, on the pure morality expressed in the law of the state ; and its efficacy in reference to that law must be determined by the interests of the state. Yet the forgiveness that is granted under positive authority may be instantaneous and complete in its results. As the structure of the state is quite exterior to personal life, and to the moral law, its penalties can go, as they come, by a simple edict.

§ 4. The government of God, in a broad sense, includes parental government and the government of the state. Both are instituted as the natural outcome of our constitution, and in continuation of its laws. Yet, for our present purpose, the government of God is contrasted with these two, and has another administration of its own. It is preëminently the government of pure morality, as affected by, and continued under, the great religious facts of our being. It is announced and consciously administered in the mind of the subject ; it is enforced in his entire experience, inner and outer. This personal relation to God under the spiritual laws of our spiritual nature gives a deep undertone to action. It constantly adds pure morality, in its most spiritual form, to positive authority, and reminds us of the exhaustless periods which it possesses in which to make up its issues, and harmonize them one with another. The moral or spiritual life flows under the civil life, in more or less complete harmony with it, according to the purity of each. The punishments of the state

leave the penalties of the higher law to pursue their way unchecked.

The ritual of churches and the duties they directly impose are as exterior to the law of God as the injunctions of the state, though, like those injunctions, they may have intrinsic, and so full, moral force from their connection with our social life. Churches deal with the social forms and exterior conditions of our inner spiritual life, and if they deal with them wisely, they have a hold under the moral law corresponding to this wisdom. We live and move and have our being in God, so also his law and his love live and move and have their being in us, and claim us for themselves, in the largest freedom of personal action. The spiritual constitution of man is the antecedent ground of a religious government, and the being and character of God are the correlative facts which, in their direct action on the moral nature, set up this government. A spiritual life consciously ordered in conformity with the law involved in the reciprocal relation of our own constitution and the character of God is a religious life. The religious life is, therefore, as interior and pervasive as the moral life, and, springing up under the cardinal fact which gives symmetry and purpose to all events, it imparts to our personal life a like hopefulness and perfection. As reason is the guide, so morality is the law, of all voluntary action. Religion is nothing else than the perfect and harmonious fulfillment of every function in our complex constitution under the highest incentives which belong to it, and so far as it can be reached by our voluntary powers. True religion never breaks down

reason with a doctrine, or strangles morality with a rule. It guides reason to the truth ; it quickens the conscience to obey it.

There is no positive authority in the divine government. The institution of the Sabbath may seem to be an example of such authority. It may be so regarded in a Jewish Theocracy, in which it was sustained by penalties and rewards. With us it rests, (1) in pure morality, in intrinsic fitness under constitutional and historic facts. It carries with it (2) no punishments save those which flow directly from its violation. Any farther constraint it has for us (3) due to church authority. If, however, this authority is accepted by us on grounds of interior rightfulness alone, aside from ecclesiastical punishments, the Sabbath at this point also is supported exclusively by pure morality.

It has one feature of positive authority in setting apart, in a fixed and formal way, a definite portion of time to our religious life. Some literalists, in the stringency of the obedience they require in this respect, struggle to restore to the observance of the seventh day of the week a supreme sense of authority. A definite portion of time and general concurrence in that portion arise historically and necessarily out of the institution itself in its social development. The Sabbath, in its rest on one side and its worship on the other, plainly springs from our physical and our spiritual constitutions. The one is blessed by the repose, the other is blessed by the activity. But as both the repose and the activity, to be fully effective, must be ordered socially, a fixed time becomes necessary. Thus the form of the in-

stitution, as well as the institution itself, springs out of the nature of the case, broadly interpreted.

It has become somewhat of a fashion with us to magnify the physical and social gains of the Sabbath, both as having the force of a new discovery, and as directing the mind more distinctly to the intrinsic fitness of the command. These advantages are very real and very great, but they are secondary none the less to the primary end of a reserved period for spiritual nurture. He who uses six days so that he absolutely requires the seventh for physical rest, if he does it voluntarily, can hardly be said to have kept the Sabbath. The Sabbath can be as effectually absorbed into the outer life which it was intended to interrupt by devoting it to mere rest, as by actual work. Nights are not Sabbaths because we sleep in them. The office and force of the day are found in spiritual renovation. We shall gain liberty in the use of this means, as in the use of all means, in proportion as we gain spiritual power. When the spirit of the Sabbath has passed into the week, then the spirit and methods of the week may more readily pass into the Sabbath. As long as spiritual activity is alien to our thoughts, we shall find occasion to enforce it under forms peculiar to it. We are to be guided in the use of the Sabbath by its ministration to our spiritual life.

The end of the divine government is that of life, to wit, growth. Life is an ultimate good, and the fullest expression of it is growth. The divine government is the discipline under which it grows.

There are three parties demanding consideration in the

construction of governments ; the immediate subject of law, his co-subjects, and the ruler. In parental government the attention, or what we will term the primary emphasis, is directed to the subject, the child under treatment, the secondary emphasis to the co-subjects, and a slight emphasis to the ruler. The parent has primarily in view in his commands the interest of the child, who receives them. But his interests must be pursued in harmony with the interests of all the children ; and the interests of the parent himself may come in at times to still farther modify the command. In civil government the order of emphasis is reversed. The authority of the law, or of the lawgiver, receives the first attention, then the interest of the co-subjects or subjects at large is considered, and last of all the particular necessities of the person before the law. If the state is perfectly firm, it can direct its thoughts more exclusively to the general interests of its subjects ; but it can not overlook these interests in behalf of any one person. In the divine government we return more nearly to the emphasis of the parental government, with still more unreserved attention directed to the subject, and with no sensible modification of law in behalf of the lawgiver. The authority and majesty of Heaven are too complete to require aid, and the resources of the divine law are so ample that it is not compelled to sacrifice the necessities of the subject to those of the co-subject. "Every man's life" can be, in some sense, "a plan of God." General laws gather up the subject and the co-subjects, especially in their physical and social interests,

very closely together; but this treatment itself is found to be fortunate for each and all, more fortunate certainly than a series of exceptions in behalf of particular persons would be. It is impossible, indeed, to prove that the wants of the individual are met fully in all instances by the laws of God, but our growing experience leads us constantly nearer this conclusion, when we consider both the conjoint and the single elements of the problem, the development of the individual toward others as well as his development within himself. All the self-denials and difficulties laid upon us by our fellow-men, if cheerfully accepted by us, become positive means of advancement. Enlarging reason and enlarging faith cherish the conviction that the individual, under the divine government, all interests and long periods being contemplated, is never sacrificed to the interests of others. This must often be done under civil government, its control is so superficial and its wants so immediate. If we construe the divine government, as that universal spiritual activity which it truly is, flowing from all to all, we may rightly say, that the emphasis which in the household goes forth as affection toward the child, and in the state returns as power to the ruler, in this government of supreme and reciprocal love, extends equally to subject, co-subjects and ruler, all being increasingly embraced in one life.

§ 5. (1) Considerations of justice have but little to do with the divine government. It is too deeply settled in the very nature of things to give occasion to any question of its own rightfulness. Its end of discipline allows too

much variety of treatment, and has to do with circumstances too complicated and too varied, to allow any comparison of its modes of dealing with different men. The long periods, the changing conditions, the broad relations, over which this government ranges, cut us off from all narrow estimates. The grace, moreover, which perpetually accompanies it, hushes complaint, or convicts it of bitterness. The government of God stands on no restricted basis of justice, of proportions and measurements between man and man, but on the much broader foundation of growth, of furnishing to each and to all the best conditions of continuous development, collective and single. The greatness of this end involves the existing variety and complexity of the means by which it is reached.

(2) There is the largest liberty of forgiveness and grace in the divine rule. (a) There are present no restraints due to the immediateness of the interests to be protected, the shortness of the time that falls to control. Human government is often too urgent and too narrow in its objects, to yield anything of moment in the present; or to wait on the future. It controls the future only through the present action, and must not let its opportunity slip. The divine government is leisurely, and has unmeasured periods before it. It is not urged on, therefore, by an exigency to action.

(b) There is no weakness in it. No danger ever approaches its sovereignty. Nothing need therefore be done in behalf of that sovereignty. So far as the power of God is concerned, he may renew forgiveness under his laws as often as their intrinsic nature will allow.

(c) The complete insight of this government, its instant, interior, self-executing power, do not allow the fruits of repentance to fall to one who has not sincerely repented. Human government, unable to search the heart, must lay the heavier hand on the conduct.

(d) Forgiveness, under the end of discipline, can be extended as often as repentance returns, and as far as it reaches. The ability to receive forgiveness, to be profited by it, is the only limit of forgiveness. Repentance, as a moral state, must begin at once to draw forgiveness after it as the complementary moral state. Till seventy times seven is the religious law, repentance in every instance working according to its inner power, and with such a hold on events as the general laws involved may grant it.

(3) The vicarious element in a moral form pervades the divine government. It is inseparable from those social laws and relations under which growth takes place. The joys and the sorrows, the rewards and punishments, of men are shared broadly by men. We endure the bad fortune of those about us, we enter into their good fortune. Selfishness struggles in vain to escape this connection, benevolence accepts it and extends it under the law of love. A direct contact of life with life, a conscious participation in the good of all lives, these are the characteristics of the Kingdom of Heaven.

There is a sense, however, in which each man alone bears his own sin, a sense in which he pays the uttermost farthing. Vice and virtue, diffusive as they are in their results, are incommunicable in their inner nature. Sin as

sin attaches to no one but the perpetrator. The sufferings which follow it, therefore, are punishments to no one except him. While repentance and forgiveness soften the moral disease, and begin to restore health, the transition is often slow. The entail of evil disappears by degrees. This fact some have chosen to express by saying, "There is no forgiveness under natural law." The language may easily mislead us. Forgiveness under our moral nature begins to act at once redemptively, though time is required to complete its work.

(4) The personal element enters freely, and with increasing freedom, into the divine government. It is not an abstract law that we obey, with an intellectual view of its consequences ; it is a personal perfection we seek with God and of our own. We are carried forward by a full tide of affection. The law is floated by love, not tugged at by strength. For this reason it is that religion is so necessary to morality, the breath of its life. Without it morality is a framework of law, fitted for a demonstration only ; with it, it is Christ, the God-man, walking before us in the majesty and benignity of spotless righteousness and perfect love.

(5) The divine government, in its manifestation to us, appears, as we advance, more and more under the type of pure morality. In the beginning it is imaged to the mind under the familiar form of human government, as a kind of positive authority. Its rewards are outside rewards, its punishments direct inflictions. This view is slowly displaced by a more searching and spiritual one. We find the law of God within us, and its execution involved in the very development of

our personal and social life. Any mitigation of punishment or modification of method thus seems absurd; looking more kindly and profoundly at the problem, they seem to us things infinitely to be deprecated. When this sense of interior and necessary law passes over, by a feeling of the Divine Presence, into the flexible conditions of a spiritual life, we are brought into true fellowship with duty. Our highest sensibilities are touched by our highest obligations; the purest, deepest streams of life pour down to us from our union with God and his kingdom. We truly live and move and have our being in him, and so are ready to share his immortality. What at first had for us the appearance of an exterior force, comes to be the outpouring of the inner fountains of feeling, unsealed in perennial fullness by the great facts of Revelation. Having this life hidden within us, virtue becomes its constant expression. Ecstasy and reason become one.

BOOK IV.

AS controlling circumstances are always changing, as social life is ever unfolding, the moral law never remains the same for any considerable period, and is hardly twice alike in its applications. It has two elements of mobility, our powers of apprehension, and the circumstances in conduct to be apprehended. An absolute and unchanging right in action is illusory, for there are no complete forms of comprehension, no absolute circumstances. That action is right which at the moment morally harmonizes the subjective state of him who performs it with the objective conditions known to him. The unity and continuity of the moral law lie in the heart rather than in the intellect, in the spirit with which we apply precepts rather than in the precepts themselves or the actions which spring from them.

Our spiritual life is a perpetual flow, and what we inquire into is, primarily, the direction of development, and its passing phases. Thus in a full discussion of Ethics, we need to consider the social methods in which moral principles have been unfolded and enforced; and the lines which are pursued by this development.

CHAPTER I.

Methods of Development in the Moral Law.

§ 1. GROWTH there has been and there must ever be in morals. The intellectual and the social constitution of man involve it. As the intellectual horizon enlarges, as light spreads over it in all its parts, the law of action becomes more clear, comprehensive and explicit. As the landscape changes from the moment in which the reflected beams of morning begin to reach it to that in which the full radiance of day pours in upon it, so do the realms of moral life receive new definition and take on fresh colors as reason wins to itself its proper ascendancy, and becomes a comprehensive revelation. The exhaustless resources of our intellectual life serve perpetually to deepen and enrich our moral nature.

The growth of society no less involves the growth of morality. It is the action of men with men and upon men that is preëminently moral. But the expansion and perfection of the intellectual, social and spiritual relations of men one with another take place over a field still broader, still more inexhaustible, than that of individual activity. Social evolution is incipient, and as it proceeds it brings new strength, new pleasures, new duties to all its constituents and all its groups. Many recognize this boundless evolution of social life, this immortality of power in the race, who do not accept the continuous development of each man. Both facts include the perpetual modification

of the moral law, and its constant enlargement. The phenomena can not be modified and multiplied without a corresponding change in the law which unites them. Even the laws of physical growth take on new phases, and disclose new types, as the process proceeds.

§ 2. The growth of morality does not take place symmetrically, in all directions, under general forces; but sporadically, in special phases, under peculiar influences. The conditions which have to do with shaping these specific forms of progress are very various.

(1) Climate and physical surroundings may greatly modify spiritual development. Hardship will induce patience and powers of endurance; but, if extreme, it may reduce these virtues by stolidity. An indulgent climate and soil may call out an emotional and sympathetic temper; but also one that is passionate and indolent. Conditions favoring commercial activity will tend to form an industrious, enterprising and crafty people; while agriculture may easily favor a strong division of classes, with a heavy, dull quality of mind and heart on the one side, and refinement and luxury on the other. In all cases, however, the moral results will turn quite as much on the native character of the race or nation as on its geographical position.

The present tendency is to exaggerate physical influences. Other considerations may set them aside with decisive force. Iceland, with a most discouraging climate and soil, has been for a long period remarkable for the intelligence and morality of its inhabitants. Its civilization has been quite

beyond that usually associated with its latitude. Holland has a high artistic development, with very little in its physical features to quicken the imagination or deepen the feelings. The cantons of Switzerland, under common and very stimulating physical influences, differ greatly in intellectual force and moral tone, and have not shown any marked artistic power. The somewhat barren peninsula of Attica has only once, and for a comparatively short period, presented the foremost city of the world. Social degeneracy may easily take place under the grandest works of nature, and under the very physical conditions out of which, at an earlier period, there came progress.

(2) Morality is more directly influenced by the pursuits of a people ; since they in themselves begin at once to involve and to express a moral temper. War has its routine virtues, courage, obedience, personal enthusiasm ; commerce its virtues of economy, enterprise, honesty, and a form of truthfulness. How transient and superficial the virtues of occupation may be is seen in both the illustrations. A series of defeats may quite dampen the courage of a brave people, or extinguish the enthusiasm of an army ; a series of victories may bring with them the old prowess. The Indians of our own continent were most remarkable for their stoicism under sufferings occasioned by their own improvidence, and for fortitude in enduring the tortures inflicted by an enemy ; yet their passions were of the most volcanic character, when the restraints of custom were no longer present. Commerce may beget duplicity and fraud in one race and honesty in another ; or generosity in one relation

and exaction in another. The Jews of the Middle Ages wore two very diverse faces. They were sympathetic and liberal toward their own nation, and remorseless toward others. The outside restraints of commercial law may easily issue in an inside relaxation of conscientious conviction. The conventional standard is accepted, and mechanically applied; but the thoughts never go beyond it.

Lecky ascribes the truthfulness of the English to their commercial pursuits. This reference is but partially correct. The virtue has a deeper seat. Commerce, by its own first force, calls out a lie from the merely cunning nature, as easily as it evokes a truth from a more reflective mind. The Persians were averse to trade, because they thought it involved deception. And certainly they did not thus reason without glaring facts in the nations about them.*

(3) Forms of civilization are still more congenial with particular virtues. The artistic temper of Greece called out lively sympathies, begat an admiration of physical perfection, and a quick appreciation of the decorums of society and of intellectual intercourse. Life thus accepted a very captivating law of grace, which checked some sins, held in restraint more faults, quickened the imagination, and gave rise to many pleasing ideals. Such a community was ready to be wakeful to the searching moral truths of Socrates. Roman law carried with it sternness, integrity and a measure of moral immobility. It rooted deeply in the popular mind a sense of rights, even when these were narrow and ill-defined. The constitutional development which ultimately

* Ancient Monarchies, vol. III. p. 242.

miscarried, and the legal development which covered so long a period and reached such remarkable completeness, both sprang from and nourished peculiar virtues in Roman character. A more fortunate constitutional history, and an equally continuous growth of law, have been the expression and the discipline of corresponding traits in English character, modified, indeed, by new material and new circumstances. The cruelties of the French Revolution are in part attributable to the sudden enthusiasm of a new social philosophy, so sure of its ends that it could not hesitate at means ; and in part and in large part to a lawlessness under law, which had been bred into the nation under the old régime.

(4) Another class of influential facts in moral development are national characteristics, the spiritual elements that enter into a people. These are our first, most influential and most inscrutable terms.

Yet, in whatever stage we contemplate them, they may have already been modified by the external conditions now enumerated. The human race is never mere clay ; and if it were clay, clay itself has its properties and fitnesses. National character, the conjoint product of constitutional tendencies and of history in constant interaction, is a controlling element in national morality. The French and the English, the English, Irish and Scotch, are as opposed in primitive tendencies as in the history and customs which express national character.

(5) Morality is greatly influenced in its phases and rapidity of progress by the personal element. While the

one-man theory is less explanatory than at first flush it is thought to be, it still explains very much. Though a slight break in an empty reservoir is of no significance, it may determine many things when the reservoir is full. Paul, Luther, Wilberforce, though they do but give vent to stored up power, are conditions of great moral significance and magnitude. The individual mind is primarily the seat of moral principles and moral power; precisely as it is the source of scientific truth and artistic creations. In the large mind and liberal heart, an incipient moral tendency secures force sufficient to make of it a new type, and thence it spreads into the popular thought.

§ 3. There arises from this development of the moral life by phases under local conditions the same tendency to distinct types that we see in physical and in social characteristics. Particular virtues, as truthfulness, or chastity, or honor, or veneration; or groups of virtues, as those involved in the family, or in family rank, are insisted on in one nation as of primary importance, while other virtues of equal moment are overlooked. The nation has its points of moral punctilio. Great carefulness of action in one direction may thus carry with it no corresponding faithfulness in other directions; nor one failure certainly indicate another. National character is not strictly a coherent development, but is due to a combination of interior and exterior conditions having some of the features of accident. Life is not logic, nor have its several steps the continuity of a theory. This is exceedingly obvious in types of religious character, the highest field of morality. A series of doctrines will

often receive a coherent logical development, and yet a practical religious life under the force of historical impulses will accompany them which is quite alien to them. A daily morality and a theoretical faith will partially antagonize each other; the force of truth now resting with one and now with the other.

Unjust censure and grave misjudgments easily spring from these diversities of position in the moral world. When a given nation, or a given period in the history of the nation, or a particular sect or party within the nation, has made any virtue or virtues primary in its regard, it condemns with great asperity those who neglect them. Different sects, different parties, different periods, different peoples understand each other very partially. Each interprets the other by its own narrow associations, as if these were the ultimate and complete connections of morality. Any neglect of what Lecky* terms the rudimentary virtue is regarded as betraying unusual depravity. These judgments become greatly wrong when applied to distant places and times, and to diverse phases of character. Within the nation, as the English nation; or the party, as the Puritan party; or the period, as the Revolution, the judgments of the hour may find range; if we go farther with them, we fall at once into grave error. Any one moral type, while it lasts, is sustained by urgent moral considerations, contains the passing moral powers, and so goes far to settle for those concerned with it the moral problem. Error commences when its principles are taken

* History of European Morals.

to alien communities and set up as permanent standards of social life. No virtue is neglected without mischief, but the mischief is not the same in all places; no virtue is practiced without advantage, but the advantage is not everywhere equal. In an extreme case, the virtue and the advantage disappear together.

§ 4. Not only are there no lines of duty absolute in morality when we touch action, but, owing to the complexity of circumstances, and the shifting currents of emotion in the popular mind, social morality is peculiarly variable. Our judgments in this field call for the broadest observation, the profoundest insight, the most delicate sympathies. We can not otherwise arrive at even proximately correct conclusions.

This is true with an added intensity when the religious element enters. The historical warp and the social strain of ideas are far greater in religion than in pure morality. The latter is corrected by the immediate interests of life. Practical wants and exigencies have their direct effect upon it. The facts of religion are far less open to observation, are far more speculative, and receive their existing forms from forms much more beyond the reach of the average mind. Hence religions more than morality assume a conventional type, and become stubbornly possessed by it. No one, then, can judge religions or religious lives who has not penetrated into the very sources and conditions of a spiritual experience, and so been prepared kindly and wisely to discern its inner nature and its outer forms. Piety is a stream that flows among many obstructions, and

must be locally studied, with the largest command of general principles. One must know the physical geography of the globe, if he is to understand its water-courses. One must comprehend all intellectual and social barriers, the elevations and depressions of the spiritual world, before he can trace the thread-like flow of religious experiences.

Lecky speaks of the Christian type of morality. We venture to believe that the distinguishing feature of the morality of Christ is its fullness and comprehensiveness. There have been many types of morality among the disciples of Christ, but the morality of Christ is not a type, in the sense of showing a peculiar and partial bias. The only color for this assertion arises from the way in which Christ brings to their true position the more self-contained and gentler virtues of patience, humility, forgiveness, fortitude. If we study the life and words of Christ, they will not be found to have overlooked the active virtues of courage, self-reliance, but only to have united them with the more profound and less appreciated passive virtues of peacefulness and faith. Christ teaches us how to endure the contradiction of sinners against ourselves. His virtues are not barbaric virtues. It is easier to act with courage than to rest in hope; to maintain an inner equilibrium in exertion than in repose. This type is not a type, but the fullness of types.

§ 5. Christianity no sooner entered on its development than it became a powerful agent affecting morality; usually favorably, in some instances unfavorably. Religious growth, in a vigorous form, must act strongly on moral evolution.

(1) Modes of life with peculiar practical tendencies

made their appearance in Christianity. The habits of the anchorite, and later, in a less degree, those of the monk and the nun, brought new and unfortunate sentiments into personal action. The anchorite wholly mistook the duty, or at least the method, of self-cultivation, and with it mistook his duties to his fellow-men. The penances and voluntary privations of the monastic life, involving an intellectual error, reached their primary end but partially, and were exceedingly liable, in sudden revulsions of feeling or by slow decay, to lead to the very vices they were designed to remove. Mischievous sentiments in morals, down to our own time, have owed their origin to a false religious theory of life.

(2) The doctrines of Christianity, often shaped by a defective logic from insufficient premises, have been found at various times and in various forms to involve false moral principles. In such cases the religious conclusion has striven to override the moral conviction. Religious truth, so called, refused the correction of moral truth. The character of God and the methods of his government, as theologically conceived, were justified by a distortion or a denial of moral principles. Examples of this are not far to be sought.

(3) A belief in doctrines and an observance of rites, have tended in this faith as in all faiths, to take the place of perpetual, spiritual development, that is of profound and extended morality. At times this tendency has been controlling, and has put religion in painful antagonism to the growth of morality.

(4) A very general and fundamental spirit in Christianity, one that is full of interior truth, and yet is beset with the

most constant and fatal errors, is that expressed in the word, supernatural. Morality involves fully and profoundly natural law, using the word, natural, to comprehend the free, spiritual constitution of man. Morality arises from a study of that constitution, and is contained as fundamental principles of order and growth in it. It rests, therefore, upon the natural, and must enthrone it in its thought and in its methods. A supernaturalism which lifts holiness off the basis of primitive constitutional law, and thinks it to be obtained otherwise than by obedience, separates deeply between holiness and virtue, and leaves the latter to fall into neglect. It is to this tendency of religious faith that the present scientific faith is fitly opposed. Science demands the recognition of governing moral principles in human action, and the constant conformity of conduct to them.

For these and similar reasons Christianity, though the great auxiliary of morals, has, by its own limited phases, put limitations on social growth. Corrections have come directly and indirectly from the faith itself, still the mischievous force has been recognizable. The harmony, the parallelism of the two lines of growth can only be secured by seeing that our moral constitution is the primary term, the first revelation, and that religious belief must receive thence constant correction. It is by moral vision that we see God, and the revelation itself can not reconstruct the organ of sight.

§ 6. The influence of Christianity in the development of morality is too central and too varied to admit of easy and

sufficient specifications under it. Its chief power in this service lies in the direct, unreserved way in which it approaches individuals, addressing the reason and conscience, and bringing home personal duties as preëminent claims. Mediation between man and God thus disappears, and the great obligations which flow in upon each spirit carry with them great rights, and imply the fullness and freedom of our powers. The moral nature is thus set on foot and in action in a very thorough way.

(1) An early and a constant result of these equal duties has been that Christianity has been found to favor liberty. Even when this faith has been built about by an oppressive hierarchy, and hidden under it, something of this spirit has still remained, and the servants of the church have been called from all ranks, and have often been the opponents of secular tyranny. Slavery has been chiefly driven from civilized nations by Christianity ; and Christianity has frequently been the most open and earnest ally of political liberty.

(2) Another result in the same direction, even more fundamental than this, has been the renovation of the household, and the spiritual emancipation of women. To be sure this tendency has not, any more than any Christian principle, been allowed to reach its logical conclusions, and has suffered retardation within the church itself. None the less this liberty also lies at the core of Christianity. The supreme claim of individual spiritual service, that is of individual development, emancipates us one and all to God, and so to ourselves. There is neither Jew nor Greek, there

is neither bond nor free, there is neither male nor female; for ye are all one in Christ Jesus.

(3) A third equally manifest action of Christianity on morality, one wholly incipient as yet and of inexhaustible scope, is the deeper sympathy which has been awakened between man and man, and the extension of sympathy between nation and nation, race and race. This is shown in the more humane and more redemptive forms that punishments have taken in the state, in the great variety of public and private benevolent institutions, and in the patient, self-denying efforts to carry civilization and Christianity to all parts of the world. This is a new spirit and distinctively a Christian spirit. It is the spirit of him who went about doing good.



CHAPTER II.

The Lines of Development in the Moral Law.

§ 1. GROWTH in the moral world takes place by choice. This is the succulent, mobile point of the living bud. This fact invites our attention early, and leads us to feel, in a very superficial way, that the moral world can be rapidly rectified by will simply. We argue, persuade and command, therefore, as if these were, or at least should be, all-potent agencies, without directing our attention sufficiently to the permanent forms in which a moral life is to express itself, and by which it is to be steadily maintained.

We accept no necessary evolution of morality under

physical forms, which do not resolve themselves in our own experience and that of our neighbor into daily temptations, trials and conscious choices. We accept freely the first truths of morals, that duties arise only in consciousness, and there receive their peculiar character. Precept and principle, exhortation and command; the clearing up of beliefs, the correction of feelings, the renovation of the conditions of action, are all in order, and are conjointly the duty and the exigency of every passing hour. This fact does not obscure or disturb another equally important fact, expressed in the inquiry, What are those more permanent results which are to pass on from generation to generation, are to hold the gains of the moral life, and make easy its farther progress? Skill once acquired sinks into the automatic constitution, and so sustains itself in the individual without more effort. Protracted inquiry enriches the mind with many associative judgments, enabling it to hold the conquered ground, and to advance unencumbered to new fields. What are the strongholds of our moral life? What does it leave behind it in its progress to testify to its conquests, and to maintain them? We shall answer these questions in three directions, not as constituting an exhaustive analysis, but as indicating the lines of growth in morals.

§ 2. The physical world will be more and more modified by the supremacy of moral law, and these changes will pre-eminently show themselves in the physical constitution of man. We are coming to value the health of the body as the immediate instrument of the mind, and a measure of its

practical power. We are to do more than this, we are to look upon its successful government, guidance and growth, under its complicated and delicate laws, as a supreme intellectual and moral discipline.

But neither is this the full point we make. We are to look upon the increasing perfection of our physical constitution, its more facile obedience, its greater impressibility, its more exalted states, its more perfect balance of powers and of appetites, its more complete transmission from parent to child of every new gift of service, as permanent products and expressions of the moral life, and constant conditions of its progress. The ascetic was wholly at fault in his method, when right in his aim. We are to gain ground by choice patiently applied to conduct. But conduct is to treasure its fruits in living tissues and living reactions till temptation disappears and easy execution takes its place. The body is the pedestal of virtue, lifting it into the light and holding it there. A powerful spirit must be united with a powerful brain, as the two move together; a virtuous spirit must unite itself to a virtuous brain and a virtuous body, through which the moral connections of our life may find easy and perfect and pleasurable administration; in which the edict of law is removed from the strain and tension of the will into the silent connections of nerve-fibres. This is not the loss of virtue, but its final and firm possession; the accomplishment of the task which has been set us.

We are to understand the force of habit and the immeasurable worth of constitutional power and to win them and shape them for the ends of virtue. Our habits are pas-

sive and active; those which receive and modify impressions, and those which express powers. We know how vicious passive habits subvert all the conditions of conduct. How diseased and feverish a fluid is the blood which fills the arteries of life in an inebriate! In what a tempting, tantalizing way the world addresses a physical constitution perverted in its appetites! How the eye and the ear cull evil, and how the imagination adds every vision of evil these withhold! Virtue, working from generation to generation as moral habit, will correct this; will make the appetites wholesome, the sensibilities varied and proportionate, the senses clear, quick and elective, the imagination pure and spiritually constructive. This result will not be the product of simply physical inheritance, but of conjoint physical and spiritual transmission.

Even more may our active habits advance our powers. The common-places of morality may pass into automatic connections and associative judgments. We may be kept constantly in the advanced rank of thought and conduct, and have the inspiration of one who breathes mountain air.

When virtue shall show itself as a law in the body, perfecting and compacting its powers, and giving a new control over them and through them, all the external physical appliances of virtuous lives will be correspondingly multiplied. The service of the world will be greatly enlarged, the price in labor at which its services are now held, greatly lessened, and its proffers be made no longer to the passions but to the affections. Ruling our bodies, the intersecting point of all physical forces, we shall be quietly established

above these forces. The human hand made strong and delicate by virtue, and full of cunning, will have a masterful touch over all things.

An immediate aim, then, in moral development must be a reconstruction, under this higher impulse, of our physical powers and relations. These will become to virtue what flexible organs of articulation and mobile expression are to oratory—the very seat of power.

§ 3. A second line of moral growth, a second treasury of moral power are social sentiments and civil institutions. There is a spiritual atmosphere, a continuity of intangible impressions, which, passing from generation to generation, constitutes the most controlling moral fact of any place or any period. It finds clearest expression in civil institutions ; yet these are only its surface work as compared with the pervasive power with which it enters every household and every mind in a community, and domiciles there as a spiritual presence influencing each word and each action.

(1) This composite life is sustained and diffused by all, is modified and corrected by a few. The growth of society is, as we have said, like that of a tree. Its chief circulation is along familiar channels. Its general superficies are preserved. No twig pushes much beyond its fellows. Yet there are scattered over it vigorous buds, that quicken the activity and lead the enlargement. Society in like manner concentrates its activity and economizes its best minds. They are the expanding points, they revivify public sentiment, while public sentiment guides and sustains the average man, and checks in his descent the weak one. Public

sentiment is the vivified material provided for individual development, while this protoplasm itself is made instinct with life by a few powerful natures.

Even the greatest men do not move much beyond the boundaries of public thought. The nation has an intellectual, as well as a geographical territory. Plato in his ideal republic accepted the customary divisions of society, and Aristotle regarded slavery as an ordinance of nature. A few years since a large and influential portion of our people entertained a similar opinion. Yet the convictions of single minds were so clear and so aggressive, that popular sentiment has been entirely altered by them. The stream has found a new bed, and now flows as gently as if it had never surged under upheaval. "Ye are the light of the world," is addressed to every man who has light. The life of popular sentiment is private life.

(2) The mass of men must look to this sentiment for guidance. It is right that they should. Obedience is not thereby debased, they simply walk by reflected rather than by direct light. They have neither the wisdom wherewith to correct received truth, nor the will wherewith to resist current custom. Custom is the safety of the times, the safety of the masses. Even peculiar national development, like that of the Lacedæmonians, owes its energy to the care with which a narrow sentiment is established and watched over. Popular opinion is the legitimate tribute of the average mind to the superior mind, the contagious energy of social incentives. A nation can not maintain its integrity and unity without it. When civilizations very

diverse in form come in contact, they antagonize each other through these social sympathies, even to the extinction of the weaker race. We have not been able to impart our sentiments to the native Indian tribes. Bagehot says of the English in India, "The two races have long lived together 'near and yet far off,' daily seeing one another and daily interchanging superficial thoughts; but in the depths of their minds separated by a whole era of civilization, and so affecting each other only a little in comparison with what might have been hoped." * The life of India can only be slowly reshaped by the action of its most vigorous indigenous mind, working on that common sentiment by which it is held in solution. The crystallization must go on within itself. "The life of ancient civilization runs back to a time when every important particular of life was settled by a usage which was social, religious and political, all in one." † This composite power of the composite life, the average individual expresses, and scarcely modifies. To it we are indebted as the embodied form and controlling force of individual strength.

(3) A coherent, uniform social life, combining the weak and the strong as an organic whole, is the permanent product of moral growth. Our age is comparatively sympathetic and benevolent in its customs and institutions. This state is a new condition of thought given us by the philanthropy of a few. Yet it is ours; we all feel it; we are all lifted by it. What public sentiment permits is a license to most, what it forbids, a prohibition. The early Greeks

* *Physics and Politics*, p. 143. † *Ibid.*, p. 157.

accepted piracy, "because the gains of the pirate were the fruits of bravery combined with skill." Purity and temperance, as laws of social life, find their immediate root in public opinion.

If moral sentiment is to have a softened, and yet a pervasive and vigorous power; if good-will is to become the law of action; if fashions, social ambitions and honors are to submit themselves to it; if the common resources are to be used, in whosoever hand they may be, for the common well-being, not by coercion but with the contentment of a general and generous impulse, rewarded in itself and in every social reflection of itself; if the good of all is thus to be harmonized with the largest liberty of each, it must be done by a public sentiment which envelops the individual life, restrains its petulance, and gently carries it forward in its own true development, and in the joint development. Thus it is that the moral energy of every earnest spirit is stored, and is yielded again as a fresh impulse in every by-path of social life.

§ 4. A third means by which the moral sentiment gains and holds governing power is religion, is spiritual development. Religion and morality must always stand in closest connection. The religions of the world are the products of those personal powers that find their highest activity in the moral law. The gods have ever been evoked to sustain that law, as for the time being understood.

"Relax not, valiant friends, your warlike toil,
For Jove to falsehood ne'er will give his aid;

And they who first, regardless of their oaths,
 Have broken truce, shall with their flesh themselves
 The vultures feed, while we, their city raz'd,
 Their wives and helpless children bear away." *

"Rouse within you of yourselves," says Telemachus to the Suitors, "a Nemesis (or moral sense;) and an *αἰδώς* (a sense of honor or regard to the opinion of your fellow-citizens); and fear the wrath of the gods." †

"The idea of sin, as an offence against the divine order, has by no means been effaced from the circle of the moral ideas in Homer." ‡

"Lord, who shall abide in thy tabernacle? Who shall dwell in thy holy hill? He that walketh uprightly, and worketh righteousness, and speaketh the truth in his heart. He that backbiteth not with his tongue, nor doeth evil to his neighbor, nor taketh up a reproach against his neighbor. In whose eyes a vile person is contemned; but he honoreth them that fear the Lord. He that sweareth to his own hurt, and changeth not. He that putteth not out his money to usury, nor taketh reward against the innocent. He that doeth these things shall never be moved."

This dependence of religion on our moral constitution is even more obvious in Christianity than in other forms of religion. If we regard Christianity as the truths of the New Testament, purified and enlarged to our thoughts by the historical development of the church, confirmed and enriched by the best gifts of inspiration reaching down to our own times, it is plain that this unfolding has had its seat in our moral constitution. If we regard Christian Revela-

* *Iliad*, B. iv., line 275. † *Juventus Mundi*, p. 384. ‡ *Ibid*, 387.

tion as coming in a more positive and independent way, as words and acts directly embodied by the Divine Spirit, its relation to morality is not thereby broken. Our own spiritual nature must still furnish the glossary of Revelation. Love, faith, justice, temperance are still what our own moral constitution discloses them to be; the translation of the Divine Word by each of us is into the vernacular of his own experience. The Christian Religion, not less but more than any other, stands on terms of living nourishment with our moral nature.

Religions, though they have sprung out of the moral constitution, have had their own histories and their own vicissitudes. The institutions of religion, with large administrative demands, have been involved in many personal and social interests, and so have been cut off from a pure and continuous spiritual development.

A faith can maintain its growth, and so its moral power, only as it remains mobile in a spiritual atmosphere, and receives the free play of all living intellectual forces. The rupture of Christianity into a hundred sects, and its separation from civil authority, tend strongly to this wholesome development, as these circumstances leave the forces, native to it, free to construct it and reconstruct it.

When local interests lay hold of religion, and build about it a hierarchy, pure morality separates itself from such a faith, and by its own unfolding finds itself at length in antagonism to it. Religion is then thrown by this latent hostility into settled opposition, till, false to the claims of humanity, it perishes. The inherent truthfulness

and strength of Christianity are disclosed at this very point. All private appropriations have failed; corrupt forms have been sloughed off; reform, new life has sprung up within the system itself; inside bands have been broken; outside impulses have been appropriated; and growth with renewed strength has begun again.

A vigorous religious development will always be the chief defence of morality, simply because religious truth covers and combines the strongest facts which appeal to our moral constitution. The greatest scope and authority of the moral law are shown in connection with the being of God, the government of God, and immortality. Morality is inexpressibly crippled in its motives, when these facts are overlooked, especially in controlling popular sentiment. Religion has also far more immediate ruling power than morality. Hitherto, in the world's history, it has shown this organizing power only too vigorously, considering the central principles enforced by it. When, however, religion shall rest on a perfectly free and spiritual basis, it will be a chief manifestation, and a most controlling manifestation of morality.

The knitting the hearts of men under the first command will hold them fast in obedience to the second command. Religion preëminently permeates thought with feeling, law with love, and so makes them an immediate and pleasurable power in the human soul. This fact is expressed by the word faith, the watchword of religious activity. Faith is the proper fruiting of reason, the perpetual point of mutation in all the elements of moral life, insight passing by

affection into action, and action, with its renewed affections, begetting new insight. In this its highest putting forth, the essential unity of our constitution discloses itself. All is knowing, all is feeling, all is choice. Reason roots itself in them all, they all root themselves in reason, and grow and blossom together. Religion is thus the highest product of moral growth, the heart-wood which holds it firm and steady. No convictions owe so much, both in intellectual clearness and practical strength, to the conjoint history of the race as religious convictions. Clear, just, sufficient vision, sound, active, wholesome sentiment, appear here latest of all, and are the most comprehensive of all in the wealth and unity of the life they imply. The work of the spiritual world will have been grandly begun, when religion shall take up with profound conviction the exhortation, Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report ; if there be any virtue, and if there be any praise, think on these things.

THE END.

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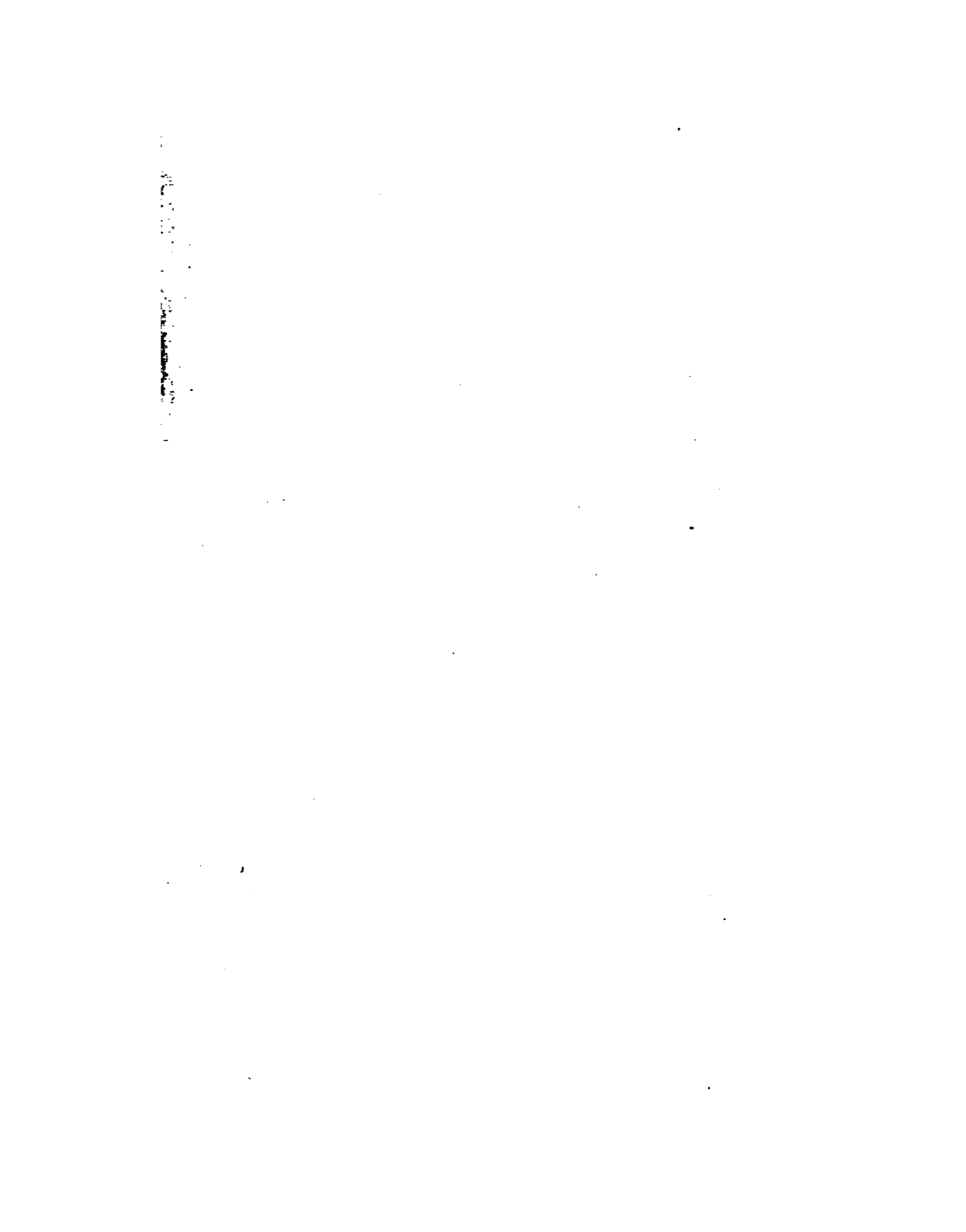
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